

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 20th October 1947.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of District Munsifs in 1947.

* 81 Q.—SRI A. GOVINDACHARYULU : Will the Hon. the Home Minister be pleased to state whether candidates from the Judicial Ministerial Service and the High Court Service will be selected in 1947 for appointment as District Munsifs along with war service candidates in the proportion prescribed in rule 3 (a) of the Madras Subordinate Civil Judicial Service ?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. Dr. P. Subbarayan) :—" The answer is in the negative."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, the number of appointments of District Munsifs proposed to be made in 1947? "

THE HON. SRI M. BHAKTAVATSALAM :—" 31 War Service candidates have been selected and out of 31 War Service candidates, 12 candidates will be appointed for vacancies that are existing or that may arise before the end of the year."

SRI B. BHIMA RAO :—" May I know, Sir, whether any appointments will be made from the cadre of Official Receivers? "

THE HON. SRI M. BHAKTAVATSALAM :—" Such appointments will not arise during the course of this year because War Service candidates have already been selected for existing vacancies."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, from the Government whether they have reserved only a certain proportion of the appointments to War Service candidates or whether they have thrown open all the appointments to War Service candidates? "

THE HON. SRI M. BHAKTAVATSALAM :—" All appointments have not been reserved for War Service candidates, Sir. Originally 46 appointments were reserved for War Service candidates. Out of this 15 have been de-reserved and only 31 appointments are now reserved for War Service candidates."

SRI R. SURYANARAYANA RAO :—" May I know exactly how many appointments are to be allotted to candidates with Judicial Service or the High Court Service? "

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THE HON. SRI M. BHAKTAVATSALAM :—“ Out of the 46 appointments reserved for War Service candidates, 15 have been de-reserved and in those 15 vacancies, senior civilian candidates who were undergoing probation in that cadre were confirmed.”

SRI B. BHIMA RAO :—“ Can the Government give us a list of those 31 War Service candidates? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I would suggest to the hon. Member to put a separate question.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, who is the appointing authority to these posts, whether it is the High Court or the Public Service Commission? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ It is the Public Service Commission, Sir.”

Producer-cum-Consumer Co-operative Societies.

* 82 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Food be pleased to state—

(a) (i) the districts in which the Producer-cum-Consumer Societies were established in the year 1946-47 ;

(ii) the dates on which they were incorporated and liquidated or closed ;

(b) how much foodgrains had been procured by them during each calendar month of their existence and what the corresponding procurement was in the previous year in each district ;

(c) what quantity was retained in the districts concerned for internal consumption and what quantity was exported to other deficit districts in each of the two years ;

(d) what was the profit earned by the Producer-cum-Consumer Societies in each district during each calendar month of their existence and also during the entire period of their existence ; and

(e) whether in the case of those Producer-cum-Consumer Societies, which could not procure satisfactorily, the Revenue Department co-operated with them and rendered necessary assistance in the matter of procurement?

THE HON. DR. T. S. S. RAJAN :—“ An answer ^a to the question is placed on the table of the House.”

SRI B. BHIMA RAO :—“ May I know the reason, Sir, why the profit in the Malabar district from the Producer-cum-Consumer Co-operative Societies is the highest and that it is lower in other districts? ”

THE HON. DR. T. S. S. RAJAN :—“ That is because the societies in Malabar have been working for a longer period, for nearly one year.”

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SRI R. SURYANARAYANA RAO :—“ May I know from the Government what the recommendations of the Committee are with regard to the future of these societies in the four districts? ”

THE HON. DR. T. S. S. RAJAN :—“ The report of the Committee has been received and it is under the consideration of the Government.”

Distribution of sugar in the Chingleput district.

* 83 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the distribution of sugar in the Chingleput district has been entrusted to the Village Food Committees;

(b) if so, whether it is a fact that these Village Food Committees are considerably handicapped in distribution work on account of orders passed by Government or the Revenue Board or the Collector granting special quotas of sugar either to individuals or to institutions from the quotas sent to the Village Food Committees; and

(c) if so, what action the Government propose to take to see that Village Food Committees are recouped to that extent to enable them to distribute sugar to the general public?

THE HON. DR. T. S. S. RAJAN :—“ (a) Yes.

“ (b) No.

“ (c) Does not arise.”

SRI R. SURYANARAYANA RAO :—“ May I know from the Government, Sir, whether the allotments made by the village committees are subject to ratification by any higher authority or whether they are final? ”

THE HON. DR. T. S. S. RAJAN :—“ Generally they are final but in cases where bulk allotments have to be made, the Revenue Divisional Officer may give his opinion, but the matter will not be generally interfered with.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know, Sir, whether it is not a fact that the Collector and the Board of Revenue grant special quotas of sugar to institutions or individuals? ”

THE HON. DR. T. S. S. RAJAN :—“ As far as I am aware, they do not do so. But, if the hon. Member wants further information, I can call for it.”

SRI N. RANGA REDDI :—“ May I ask the Hon. the Minister whether the distribution of sugar in the several districts is left entirely to the Revenue Department? ”

THE HON. DR. T. S. S. RAJAN :—“ It is left generally to the Collectors of the districts and they make the allotments. Sometimes, they are helped by the Revenue Divisional Officers with regard to these allotments.”

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SRI N. RANGA REDDI :—" May I inform the Hon. the Minister that the village committees do not at all come into the picture in the matter of distribution of sugar, as it stands at present? "

THE HON. DR. T. S. S. RAJAN :—" No. The village committees do have a share in the distribution."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" As a member of the District Food Committee and the Taluk Food Committee, I know for certain that special quotas are being given by the Collector and the Revenue Board on account of which the taluk committees and the village committees are very greatly handicapped, so far as distribution of sugar is concerned. So, may I request the Hon. the Minister to enquire into the matter and find out whether special quotas are being given and if so whether he will try to compensate for the special quotas that are being given? "

THE HON. DR. T. S. S. RAJAN :—" It is not generally so in the districts. Perhaps in Chingleput being very near Madras, it may be that what the hon. Member has said is a fact but I may assure the hon. Member that I shall call for the information."

The Tungabhadra Project.

* 84 Q.—**SRI S. B. ADITYAN :** Will the Hon. the Minister for Public Works be pleased to state—

(a) whether disputes have arisen between the Governments of Madras and Hyderabad, on technical matters relating to the construction of the Tungabhadra Project;

(b) if so, what are the points at dispute;

(c) whether the disputes have been referred to an arbitrator; and

(d) if so, what are the arbitrator's awards?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) There is some difference of opinion on technical details between the Chief Engineers of Madras and Hyderabad.

"(b) the points on which there is difference of opinion are (i) nature of the mortar to be used in the construction of the dam (ii) design of the spillway, (iii) design of overflow and non-overflow sections of the dam, and (iv) contraction joints.

"(c) No. They were referred to a Board of Engineers appointed by the Governments of Madras and Hyderabad with Sir M. Visvesvaraya as Chairman, and Diwan Bahadur N. Govindaraja Ayyangar, Special Chief Engineer, Madras Government, and Mr. S. M. Younus, Chief Engineer for Irrigation, Hyderabad Government as members.

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“(d) The majority of the Board of Engineers expressed its opinion in favour of surki mortar as it would be cheaper and available locally, while cement would have to be purchased from outside and brought from a distance. It was however agreed that cement could be used for special purposes, i.e., in parts where special strength was needed. With regard to the design of the spillway it was agreed to allow 15 feet depth gates and 20 feet depth of maximum flow, and limit the length of the spillway to 230 feet. The crest of the spillway should be of reinforced cement concrete and its rear face of cut stone in cement mortar. As regards the design of the overflow and non-overflow sections of the dam (gravity and ogee profiles) it was agreed that the top sections should be as proposed by Madras and the bottom sections as proposed by Hyderabad and the two sections should be neatly connected on the down stream face by a suitable curve. As for contraction joints, it was agreed that none need be provided for the lime surki masonry of the dam.

The Madras Government have not yet considered the report of the Board of Engineers.”

MR. PRESIDENT :—“ I wish to draw the attention of the Hon. the Minister to the fact that this enlarged answer has not been communicated to the office.”

THE HON. SRI M. BHAKTAVATSALAM :—“ The answer has been revised. I have just now handed over a note to the Secretary that I would be reading a revised answer. Since the preparation of the original answer, we have received a report from the Board of Chief Engineers. That is why the answer has been revised.”

MR. PRESIDENT :—“ As soon as you get the revised answer, it may be sent to this department.”

THE HON. SRI M. BHAKTAVATSALAM :—“ Only this morning, I got the revised answer, Sir.”

MR. PRESIDENT :—“ We saw the report in the papers some time back.” (Laughter.)

SRI S. B. ADITYAN :—“ May I know whether these findings are generally in accordance with the stand taken by the Madras Government's Engineers? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ It is not exactly so, Sir.”

SRI R. SURYANARAYANA RAO :—“ Is this award binding upon the Madras Government? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ We have referred the matter to the Board of Chief Engineers and we must accept the majority's verdict. There must be some finality in this matter.”

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SRI R. SURYANARAYANA RAO :—" May I know from the Hon. the Minister whether the Government of Hyderabad who have to accept these findings, will accept all those findings? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have no idea about it but I am sure they will be accepting them."

Irrigation scheme of the Gosthani river.

* 85 Q.—SRI P. VIRABHADRASWAMI : Will the Hon. the Minister for Public Works be pleased to state—

(a) what action has been taken on the petitions of the villagers of Reddipaltee Agharam, Potnuru, Kothavalasa and other villages requesting the Government to take up the irrigation scheme of the Gosthani river near Bhimasingi railway bridge in the Bimlipatam taluk, Vizagapatam district ;

(b) whether investigation of the scheme has been taken up; and

(c) what the estimated cost of the scheme is ?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) The Government have had the request examined by the Public Works Department Officers. The site where a dam has been proposed by the petitioners has accordingly been inspected by the local Subdivisional Officer, who has thereupon reported that all the lands for which irrigation is sought for are on a high level and that they are therefore not commendable. This has already been explained to the petitioner who accompanied the Subdivisional Officer during his inspection of the site. No further action is proposed to be taken.

" (b) & (c) Do not arise."

Irrigation schemes in the Ceded districts.

* 86 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) the names of irrigation schemes in the Ceded districts included in the five-year programme under Grow More Food Scheme or otherwise;

(b) the names of schemes with full particulars sanctioned for execution during the first year;

(c) whether in the selection of schemes the question of return on Capital Outlay has influenced the choice ; and

(d) whether the Government will be pleased to make a statement on the question of returns as applicable to different tracts in the Presidency?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) A statement^a of the names of irrigation schemes in the Ceded districts included in the five-year programme under Grow More Food scheme or otherwise is laid on the table of the House.

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“(b) The following scheme was sanctioned for execution during the first year, i.e., 1947-48: Restoration of Mella tank in Gothipadiya village in the Markapur taluk in Kurnool district.

The particulars in regard to the scheme are as follows:—
Estimated cost—Rs. 54,500 for works only or Rs. 70,906 if direct and indirect charges are included.

Additional extent to be brought under irrigation—300 acres.

“(c) No.

“(d) Yes. A note^a on the subject is laid on the table of the House.”

11-15
a.m.

SRI R. SURYANARAYANA RAO:—“While I am grateful to the Hon. Member especially for the note regarding returns, may I know, Sir, on what basis this classification was made and the returns fixed?”

THE HON. SRI M. BHAKTAVATSALAM:—“This classification must have been based on the condition of the area concerned but as I have already stated in the answer we are re-examining the whole basis.”

SRI R. SURYANARAYANA RAO:—“Is the Hon. Minister aware, Sir, that in 1942 the Government accepted the recommendation of the Board of Revenue and of the Chief Engineer that irrigation works in connexion with famine areas would be individually considered on their own merits irrespective of any return of interest on outlay and such works should be financed from the general revenues?”

THE HON. SRI M. BHAKTAVATSALAM:—“That is so and that is what we are exactly doing, Sir.”

SRI R. SURYANARAYANA RAO:—“If that is so why a scheme like Venkatareddigunda tank in Edavalli, Markapur taluk, has been dropped on the plea of low return, Sir?”

THE HON. SRI M. BHAKTAVATSALAM:—“I would like to have notice for this, Sir.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, whether the Government have issued instructions to the Chief Engineer that he should not undertake detailed investigation of any scheme fetching a possible return of 1 per cent and below?”

THE HON. SRI M. BHAKTAVATSALAM:—“I would like to have notice, Sir.”

Provincial and Regional Councils for Industry.

* 87 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state whether the Government have at any time considered the desirability of setting up Provincial and Regional Advisory Councils for Industry to advise Government on industrial conditions and general production questions?

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THE HON. SRI H. SITARAMA REDDI :—" The Government constituted in August 1944 a Committee representative of all interests, official as well as non-official, from several parts of the Province, to advise generally and make suggestions on post-war reconstruction work. Various sub-committees were formed by this Committee to deal with particular kinds of post-war reconstruction work and they submitted their recommendations to the Government for consideration. The Committee and the sub-committees are not functioning now."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, what happened to the reports of these various sub-committees that were appointed? "

THE HON. SRI H. SITARAMA REDDI :—" I believe they are being examined, Sir."

SRI R. SURYANARAYANA RAO :—" Will the Government consider the advisability of referring these reports to the Industrial Planning Committee they have appointed so that these may receive their attention? "

THE HON. SRI H. SITARAMA REDDI :—" I would submit, Sir, that as the hon. Member is a member of the Committee, he may call for such reports and the Government are always ready to co-operate with them."

* 88 Q.—

THE HON. SRI H. SITARAMA REDDI :—" I would submit, Sir, that as the answer is a long one, it has been ordered to be printed and I shall try to have the answer circulated to-morrow."

(Postponed.)

Encouragement of the tourist trade.

* 89 Q.—**SRI R. SURYANARAYANA RAO :** Will the Hon. the Minister for Industries be pleased to state—

(a) Whether the Government have at any time considered the question of encouraging the tourists' and holidays trade;

(b) whether the Government are aware that in all advanced countries boards are set up to foster and develop the tourists' catering and holiday services; and

(c) whether in view of the existence of many natural beauty spots, hill stations, etc., the Government propose to give attention to this important subject?

THE HON. SRI H. SITARAMA REDDI :—" (a) No, Sir.

" (b) The Government have no information about the Boards set up in other countries."

" (c) The Government have at present no such proposals under their consideration."

SRI R. SURYANARAYANA RAO :—" Will the Government obtain information about this from other countries where good work is being done in this direction as this tourist trade is a source of national income, Sir? "

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THE HON. SRI H. SITARAMA REDDI :—“ I am grateful to the hon. Member for his suggestion and I will consider it, Sir.”

Imposition of advertisement tax by the Madras City Corporation.

*** 90. Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Madras City Corporation has been permitted to impose advertisement tax, to regulate wall posters and other advertisements appearing on public walls;

(b) whether it is a fact that the Corporation had built also boards in the City for the above purpose;

(c) what steps have been taken by the Government to see that the regulation of wall posters is carried out by the Corporation;

(d) whether it is a fact that according to rule 12 of the Paper Control (Economy) Order, 1944, not more than ten posters should be exhibited or caused to be exhibited for any one programme in a theatre;

(e) if so, whether the Government have investigated if the Corporation are adhering to the aforesaid rule in the matter of stamping the wall posters and collecting the taxes; and

(f) what steps are taken or proposed to be taken by the Government to put down indiscriminate posting of wall posters on the City walls?

THE HON. SRI K. CHANDRAMOULI :—“(a) Yes.

“(b) Yes.

“(c) Please see answer to clause (f).

“(d) Yes. The restrictions laid down in clause 12 (e) of the Paper Control (Economy) Order, 1944, now replaced by clause 11 (f) of the Paper Control (Economy) Order, 1945, however, apply only in the case of posters, the contents of which give the date, time or place of any particular performance in a cinema house, theatre, etc., other posters which do not give these particulars can be exhibited without limit.

“(e) So far, no cases of contravention of the rule have been brought to the notice of the Government.

“(f) The Corporation has framed by-laws with the sanction of Government under which it is competent to prohibit or regulate the display of advertisements in any place or in any manner. Owing to the war, the Corporation was unable so far to take action in this regard. Proposals are now under the consideration of the Corporation for prohibiting indiscriminate display of advertisements.”

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Abolition of district boards.

* 91 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have under consideration any proposal for the abolition of district boards; and

(b) if so, whether the Government would publish full details of the proposal for eliciting public opinion?

THE HON. SRI K. CHANDRAMOULI :—“(a) A suggestion whether the district boards should be abolished or retained is under the consideration of the Cabinet Sub-Committee.

“(b) The suggestion will be considered.”

SRI S. B. ADITYAN :—“What is wrong with the district boards, Sir, at the present time?”

THE HON. SRI K. CHANDRAMOULI :—“The present district boards are under the administration of Special Officers.”

SRI R. SURYANARAYANA RAO :—“How long is it the intention of the Government to place these district boards under the Special Officers?”

THE HON. SRI K. CHANDRAMOULI :—“That is why the Government is considering the settling up of this matter at an early date.”

SRI S. B. ADITYAN :—“What is so wrong with these district boards as they were formerly constituted that the Government are thinking of retaining or abolishing them and what is it that is basically wrong with them?”

THE HON. SRI K. CHANDRAMOULI :—“Due to the fact that the Panchayat Act is under consideration of the Government, simultaneously the Government are taking up the question whether the district boards should be retained or not.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“Will the Government give this House an opportunity to discuss the subject before they make up their minds on this question?”

THE HON. SRI K. CHANDRAMOULI :—“I have no objection, Sir.”

The working of the Co-operative Banks in the Rayalaseema and Chittoor districts.

* 92 Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Government of Madras have appointed the Rayalaseema Enquiry Committee to make a thorough enquiry into the working of Co-operative Banks in Rayalaseema and Chittoor districts;

(b) when was the Committee appointed and when it submitted its report;

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(c) what action the Government took on the report or propose to take in the matter;

(d) what are the recommendations of the Gopalaswami Ayyangar Enquiry Committee;

(e) whether the Government propose to adopt any of the recommendations and, if so, which; and

(f) whether it is a fact that the Provincial Co-operative Bank lends to the district banks at the rate of 3 per cent interest while the Rayalaseema District Banks which borrow from the Provincial Bank lend at 5 to 6 per cent interest to rural banks?

THE HON. SRI K. CHANDRAMOULI :—“(a) Yes.

“(b) The Committee was appointed in January 1945 and it signed its report on 15th February 1946.

“(c) & (e) The Government have published the report and have called for the Registrar's remarks on the Committee's recommendations, which are awaited.

“(d) The recommendations of the Committee are printed at pages 86–94 of its Report which has been placed at the disposal of the Press.

“(f) The present lending rate of the Provincial Co-operative Bank to the District Central Banks is 3 per cent which is in force since January 1946. Out of the five Central Banks in the Rayalaseema the lending rate of the Anantapur and Hospet Central Banks on new loans is 5 per cent while that of the other three Banks is $4\frac{1}{2}$ per cent. A higher rate ranging from 5 to $6\frac{1}{2}$ per cent is charged by the five banks on outstanding loans as distinct from the loans newly advanced since the lending rate of the Madras Provincial Co-operative Bank prior to 1946 was $3\frac{1}{2}$ per cent.”

SRI R. SURYANARAYANA RAO :—“In view of the long time that has elapsed since the report was submitted will the Government expedite orders on the various recommendations?”

THE HON. SRI K. CHANDRAMOULI :—“Sir, the matter has already been referred to the Registrar for expedition and part of the report has been submitted to the Government itself and the matter will be expedited at an early date.”

SRI R. SURYANARAYANA RAO :—“In view of the radical reforms suggested in that report will the Government consider the advisability of having those recommendations not examined by the department itself but by some other impartial authority so that they may appreciate the points of view that are mentioned there, otherwise, Sir, I feel that the subject will not be considered on its own merits and will be looked at from a prejudiced point of view.”

THE HON. SRI K. CHANDRAMOULI :—“There is an Advisory Committee and I am sure the Government will take advice of those members before it officially accepts the report.”

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Trained teachers for elementary schools.

* 93 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) how many trained teachers he expects will be available for elementary schools including those trained under the emergency scheme by 1st June 1947, and the number of pupils with whom they will have to deal on that date; and

(b) the figures of pupils and teachers on 1st June 1946 and the proportion of teachers in elementary schools in 1946 and 1947?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) About 9,000 teachers : 31,500 pupils.

“(b) As on 31st March 1946 : 103,775 teachers ; 3,243,022 pupils.

Proportion 1 : 31 in 1946.

As on 31st March 1947 : The figures have not yet become available.

Additional figure : 230,648 teachers.

Proportion 1 : 33.”

SRI R. SURYANARAYANA RAO :—“ Sir, I am not able to follow the figures furnished. I am not able to understand whether the number of pupils have increased or the number of teachers have gone up.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ Both must have increased, Sir.”

Applications received and admissions given into the Agricultural Colleges in the Province.

* 94 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of applications received this year for admission into each of the Agricultural Colleges of the Province from (1) Brahmans, (2) Non-Brahmans, (3) Muslims, (4) Indian Christians and Anglo-Indians;

(b) how many from each community were admitted into the Colleges; —

(c) the qualification (that is B.A., B.Sc. or Intermediate) and details of marks obtained by the first and last ten admitted from each community in English, the group or subjects taken by the applicant and total number of marks; and

(d) in the case of Brahman applicants, the marks of the top-most ten candidates as mentioned above, who were refused admission?

THE HON. SRI K. MADHAVA MENON :—“ A statement is laid on the table of the House.”

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SRI B. BHIMA RAO :—“ May I know, Sir, why in the North Arcot district the Brahman boys got more seats and why is it that in the other districts where the Brahman students got more marks were refused admission? ”

THE HON. SRI K. MADHAVA MENON :—“ The general principles that have been followed in the selection of candidates has been given in the note that I have given, Sir. The reason for giving 6 seats out of 10 to Brahman boys is due to the non-availability of the candidates from other communities.”

SRI B. BHIMA RAO :—“ Is that a reason for preferring Brahmans with lesser marks from that particular district to those with higher marks from other districts? ”

THE HON. SRI K. MADHAVA MENON :—“ Yes, Sir. Government wanted to make the selection districtwar.”

Assessment to lands converted into wet under the Wells Scheme.

* 95 Q.—**SRI R. SURYANARAYANA RAO :** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether dry lands converted to garden or wet lands by the help of wells sunk by the cultivators with or without State aid under the Wells Scheme, are liable to additional charge;

(b) whether any change in the classification of such converted lands is made involving higher assessment; and

(c) whether it is a fact that in view of the sustained interest of Government in the Grow More Food campaign the Government do not propose to interfere with the classification or impose additional charge in respect of such converted lands?

THE HON. SRI K. MADHAVA MENON :—“ (a) & (b) In the Malabar and South Kanara districts, dry lands converted into garden or wet with the help of wells belonging to Government or sunk by the ryots at their own cost with or without Government loans are reclassified and assessed at garden or wet rate. If the dry lands have been converted into garden, they are reclassified and assessed at garden rate as soon as they contain the required number of bearing garden trees. (As to what is the required number, the attention of the Hon. Member is invited to the answer to Legislative Council Question No. 24 given on 17th September 1947.) If the dry lands have been converted into wet, they are reclassified and assessed at wet rate from the fifth year of continuous cultivation of the lands with wet crops.

“ In the other districts of the Province, dry lands converted into wet with the help of wells sunk by the ryots at their own cost or with State aid under the Wells Scheme are not reclassified and assessed at wet rate. (The garden classification of lands prevails only in the Malabar and South Kanara districts.)

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“(c) There is no proposal to alter the practice referred to in the answer to clauses (a) and (b). But the whole question of land revenue reform is now engaging the attention of the Government.”

SRI M. NARAYANA MENON :—“ Will the Government consider the question of extending the provisions to Malabar landholders also? ”

THE HON. SRI K. MADHAVA MENON :—“ The position in Malabar is that lands belong to private parties. It is tax that collected and not the rent.”

SRI M. NARAYANA MENON :—“ Will the Government consider the question of extending the provisions to the Malabar landholders hereafter at least? ”

THE HON. SRI K. MADHAVA MENON :—“ The Government will examine the question but as I have already said the whole question of land revenue reform is under consideration.”

SRI M. NARAYANA MENON :—“ Since time will be taken for the consideration of the whole question will the Government consider the question of extending the provisions to Malabar for the interim period? ”

THE HON. SRI K. MADHAVA MENON :—“ I shall get the question examined, Sir.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTION *RE* THREATENED STRIKE OF NON-GAZETTED SERVICE ASSOCIATIONS.

MR. PRESIDENT :—“ I have to inform the House that notice of the following motion for adjournment of the House has been received from Mr. Abdul Latif Farooki Sahib :—

‘ I intend moving for the adjournment of the House to consider the grave situation created by the decision of the Non-gazetted Officers’ Association and the various Service Associations in the Presidency to go on strike throughout the whole Presidency and the threat by the Government to withdraw the recognition of the Madras Secretariat Association and to take disciplinary action against the members thereof.’

“ I should like to know the position of the Government.”

THE HON. DR. T. S. S. RAJAN :—“ This is a matter which concerns the services. It is not right that the service should get into a frame of indiscipline and coerce the Government to adopt a certain procedure. I might also inform the House that it is only very recently that the pay of the services had been increased very substantially and if further additions to that increment ought to be made, it is a matter for consideration by several departments. It is not as if the Government could act on a threat of a strike and give increased pay, particularly to the services which

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are supposed to be under their control and subject to certain amount of discipline. The threat of strike on the part of the services is something very different from the strike of the workers in mills or industrial establishments. Here the Government have got a formula and they have a procedure and the conduct of the services are controlled by that procedure and if suddenly they take it into their heads to strike and run off at a tangent, it then becomes the painful necessity of Government to take note of these facts and to draw their attention to the fact that they are getting into indiscipline and their service regulations have got to be enforced. Therefore they have been told that if they persist in the present attitude and carry on the threat of strike, there will be time enough for the Government to intervene and take disciplinary action and that is what they have done and they have done nothing against the service regulations. The Government have reminded the services of the duty they owe to the Government with regard to what they have got to discharge in their every day duty and even in the matter of calling for a strike, they have to conform to rules guiding their conduct and they cannot take it into their heads to declare a strike as they please; it is the height of indiscipline which no Government can tolerate particularly amongst their services. That is why their attention has been drawn to the real positions; any discussion at this stage will not be advisable. It will neither help the Government nor those who are talking about organizing a strike. It will not help them, nor the Government nor even this House because a discussion of this nature at this moment is most inadvisable. Under these circumstances, I request the mover of the resolution not to press for it."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, in view of what the Leader of the House has stated, I do not wish to press the adjournment motion; but I would make a request to the Government to consider the conditions of these poor people and do the needful for them. I would also request the Government to be lenient to non-gazetted officers so far as disciplinary action is concerned."

III.—MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House the following messages dated Fort St. George, the 9th October 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

(1) In accordance with rule 111 (2) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 :—

" That, under rule 111 of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses, consisting of fourteen members to consider the Bill."

[Mr. President]

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(2) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Hackney Carriage (Amendment) Bill, 1947 (L.A. Bill No. 18 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(3) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Prisons (Madras Amendment) Bill, 1947 (L.A. Bill No. 19 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(4) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Prisons (Madras Amendment No. II) Bill, 1947 (L.A. Bill No. 20 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(5) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Tuberculosis Sanatoria (Regulation of Buildings) Bill, 1947 (L.A. Bill No. 22 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

(6) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras City Improvement Trust (Amendment) Bill, 1947 (L.A. Bill No. 23 of 1947) as passed by the Assembly on the 9th October 1947 and signed by me for the concurrence of the Council.

“ I have also to announce to the House the following message dated Fort St. George, 18th October 1947, received by me from the Hon. the Speaker, Madras Legislative Assembly :—

‘ In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Bill, 1947 (L.A. Bill No. 26 of 1947) as passed by the Assembly on the 18th October 1947 and signed by me for the concurrence of the Council ’.”

IV.—GOVERNMENT BILLS.

(1) THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1947 (L.A. BILL NO. 17 OF 1947).

THE HON. SRI K. MADHAVA MENON :—“ Mr. President, I move—

‘ That this House concurs in setting up a joint select committee of the two Houses consisting of 14 members (seven members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said Joint Select Committee.’

I shall give the list of names later.

“ Under section 12 of the Madras Suppression of Immoral Traffic Act, 1930, solicitation by a woman in a street or public place is liable to be punished with imprisonment for a term which

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may extend to two months or fine which may extend to one thousand rupees or with both. This is the only section which provides for conviction and a prostitute convicted under it can be dealt with as provided under this section. Generally such girls as are sentenced for the period mentioned, are detained in the Penitentiary or in such other jails where they are convicted. The Chief Inspector of Certified Schools has pointed out that this does not give the girls a chance to reform themselves and it is likely on the other hand they tend to become criminals in addition to being immoral. It was the opinion of the Chief Inspector that the existing practice is highly objectionable that the Act may be amended so as to provide that those who are convicted under it, may not be sentenced to imprisonment but that they may be certified and sent to Vigilance Homes or Rescue Homes where they could be taught some profession other than what they were following before, which may be of use to them when they come out, instead of making them hardened criminals. The amendment is suggested to give powers to magistrates to certify them and they may be detained for particular periods in Vigilance Homes so that women who are not beyond redemption may be given a chance of reforming themselves and living a better life. Since instead of the punishment proposed under Section 12, namely imprisonment for two months and a fine or both, it is proposed to detain them for periods ranging from two years, it is thought that the opinion of people who are working the Act as also this House may be taken advantage of and that is why we propose a joint select committee. Since the Bill has been published and the objects and reasons have been mentioned, I do not want to add anything more and I request the House to agree to the proposal."

MR. PRESIDENT:—"The question is that this House concurs in setting up a joint select committee of the two Houses consisting of 14 members (seven members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said joint select committee. Is the Hon. Minister giving the list of names now?"

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"The names may not be necessary. May I suggest that we discuss the principle on which a joint select committee is constituted?"

MR. PRESIDENT:—"I think the House must be congratulated on being asked to join at least in an immoral traffic suppression Bill like this."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"That is why, Mr. President I wanted to raise the principle on which a joint select committee of both Houses is constituted. I have been in this House since the Council was formed. On previous occasions when the most contentious measures were

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under discussion, the Assembly did not choose to ask us to join in any select committee sitting to consider those measures nor did the Treasury Bench at any time make a recommendation to the Assembly that they might like to have a joint select committee to discuss Bills of that nature. If the Assembly has not asked us to join in any select committee, it is open for the Treasury Bench in constituting the select committee to ask under rule 111 that this Council may also take part in select committees. Very many important Bills of the most contentious nature are being debated in the other House and all that we know of what is happening with regard to them is the meagre newspaper reports and we are not even in a position to know the reports of the proceedings in the other House in time to take an intelligent share in the discussion of those Bills. Until we know what our function and what our position and prestige is likely to be, I feel strongly that this House would stultify itself in accepting a select committee of both Houses on a Bill like this which is a mere eye-wash to show that we are also doing something in the matter of legislation. I would, therefore, request the Hon. Minister, before we make up our minds whether we shall submit to this resolution or not, to enlighten us, as to what the principle is under which the Treasury Bench proposes to ask this Council to join the select committee."

THE HON. DR. T. S. S. RAJAN :—" Mr. President, I am glad that the hon. Member drew the attention of the Treasury Benches to what apparently looked something like disrespect to this House. First of all, the question is what should be the nature of the representation on the select committee to this House; this has been agitating the minds of both the Speaker and of the others, as well as the President."

MR. PRESIDENT :—" My mind is not at all agitated. I am quite definite about it."

THE HON. DR. T. S. S. RAJAN :—" Agitating according to my knowledge and I am explaining how it came about. This House is necessarily a smaller House numerically compared with the other House. The question of representation is whether it should be according to the number and if so, what should be the number and the rules are perfectly clear on this matter and that is that there should be equal representation of both Houses in the select committee. It looked apparently unjust to a numerically bigger House to be satisfied with an equal quota—a House which could return as many as 212 members to have equal quota with a House, the numerical strength of which was only 56. But, after prolonged discussions and negotiations, we have come to the decision that there should be a joint select committee on all important Bills. I do not think we have passed very many important Bills so far. We may have passed one or two Bills, but they are not of any serious consequence. This is the first time, if I remember aright, after we formed this new Council that we are having a joint select committee. It may be that this particular Bill may not loom large

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in the eyes of the members for a discussion, but fundamentally, I contend, that this measure, which affects society as a whole, is a subject which is entitled to consideration by a House like ours. We have secured the co-operation and consent of the other House as a whole in being equally represented with that House in the select committee. We have secured that amount of consent (not a legal consent) to equal representation. We have come before this House to ask for a series of joint select committees that will be hereafter constituted. (Hear, hear.) Therefore, the position of the Treasury Bench is this. At no time, it was our intention to ignore this House, nor was this House ignored."

MR. PRESIDENT :—" Ignore yourself ! "

THE HON. DR. T. S. S. RAJAN :—" I am speaking as a member of this House and also as a member of the Treasury Bench. It was not the intention of the Treasury Bench or the member to put any limit upon the capacity of this House."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" What about the Communal, Forest and Private Lands (Prevention of Alienation) Bill, 1947, Sir? "

THE HON. DR. T. S. S. RAJAN :—" If it comes to that, the hon. Member is within his rights to say that he wants a select committee."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I am speaking about the joint select committee, Sir. The same principle should have been applied to that Bill also."

THE HON. DR. T. S. S. RAJAN :—" Sir, that Bill had to be rushed through the other House the other day. In fact, we had to pass it on that day."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" It has always been our fate, Sir."

THE HON. DR. T. S. S. RAJAN :—" No Sir; it is a question of fact. It is a question of having that legislation passed expeditiously. It was not our intention to ignore this House. That is the point which I want to stress. (Sri B. Narayanaswami Naidu : ' What about Sales Tax Bill? ') Probably, it will come later. Especially, in measures of reform like this, this House is entitled to every opportunity to express its opinion in a joint select committee. That is the only reason I want to give with regard to the constitution of the joint select committee, and I am sure my Hon. colleague has got weighty reasons for asking this House to join in the select committee of the other House, so that this legislation may be gone through with the consent of both the Houses."

MR. PRESIDENT :—" The Hon. the Leader of the House has not let us into his confidence as to what is he going to do in future."

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THE HON. DR. T. S. S. RAJAN :—“ If my submission is worth anything, Sir, we intend to constitute joint select committees whenever possible and necessary with regard to the conduct of legislative business.”

MR. PRESIDENT :—“ So far as I know this question of joint select committees has been agitating the minds of the members of the other House and also the Hon. Speaker. They seem to strongly feel that they are 212 members as against 56 in this House, and this insistence on equal representation in the joint select committee somehow offends against some rule, which I am not able to understand. My opinion is that no member of a committee ought to feel that he is in a minority, and that he may not under any circumstances make his opinions heard or considered. The usefulness of a committee will be greatly reduced if any member thinks that he is in a hopeless minority and that whatever he may say, the majority would ride roughshod over it. The business of a committee, so far as I understand, is to convince each other, discuss points and try to arrive at agreed conclusions; not to force the decisions of a majority upon the minority. That I think is the reason for the rule that a committee of both the Houses should consist of equal numbers, and not according to the numerical proportion of one House or the other. That is how, I understand that rule, and I think that rule ought to be insisted on. But, I say the thing is really agitating the other House, and the Hon. Speaker the other day made an appeal, rather suggested to the Leader of the other House that some steps might be taken to change the rules. May I know from the Government if they are contemplating any such change in the rule? Are they bringing in any amendment to the rules? If they want to do it, what is it they propose to do? I do not think this House will be taken into confidence if there is to be a joint select committee of equal numbers from both the Houses. Because, I think this is the opinion of that House, and perhaps most of the Government members also feel that way. If that is the idea of Government, what is it they are going to do? Are they supposed to amend this rule or are they prepared to work the rule as it is? ”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ May I point out, Sir, that this equal number is clear? The rule provides ‘ . . . the Council shall nominate the member in charge of the Bill and the member of Government in charge of the department to which the Bill relates ’. The two members that will be nominated out of the equal number will be members from the Treasury Bench. (Interruption by the Hon. Sri B. Gopala Reddi.) Rule 111 says ‘ : . . the Council shall nominate the required number of members to act on the joint select committee ’. Supposing seven members are to be appointed from the Assembly and seven members from this House, it is also provided ‘ . . . provided that in so doing, the Council shall nominate the member in charge of the Bill and the member of Government in charge of

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the department to which the Bill relates.' By being asked to do
so, we are really giving up two seats which may be of the Assembly
or which may not be."

MR. PRESIDENT :—" These nominations will be within that
number."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—
" That is why I say that if all the members are nominated by the
Assembly"

MR. PRESIDENT :—" This number seven is to consist of
the member in charge of the Bill and the member of Government
in charge of the department to which the Bill relates."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—
" They need not be members of this Council, Sir. That is my
submission."

* THE HON. SRI K. MADHAVA MENON :—" When the Agri-
cultural Debt Relief Bill was referred to the joint select committee,
the then Prime Minister himself was the member in charge of the
Bill, and there were seven members from this House and seven
members from the other House. That happened previously, Sir.
I know the question that you have raised. It is not exactly a
question of a particular House being a majority or a minority. The
matter was considered by the Government after the Speaker had
referred the matter to them. This question of equal number was
objected to because that House had about 212 members and this
House had only 56 members. In a House of about 220 members
representing various interests, it was almost impossible to give
proper representation to all the interests if only seven members
were nominated to the joint select committee. So, as a matter of
fact, when we appointed a committee to go into the question of
the revision of the rules, we have suggested that the Assembly may
have ten members and this House may have 5 members. Practi-
cally, that is the same conclusion to which the rules committee
appointed by the Hon. Speaker has arrived. For the same reason
."

MR. PRESIDENT :—" I do not know what the Hon. Minister
is referring to."

THE HON. SRI K. MADHAVA MENON :—" Sir, you appointed
a committee to revise the rules of this House, and if I remember
aright, the committee's proceedings have not yet come before
this House."

MR. PRESIDENT :—" It is not a joint committee."

THE HON. SRI K. MADHAVA MENON :—" No; but amend-
ments to rule 111 were brought forward. We said that in all joint
select committees, the number of members of which is 14 or 15,
this House may have five members and the other House may have
10."

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MR. PRESIDENT :—“ No. Perhaps you are referring to the committee appointed by the other House. The committee appointed by this House said that it should be equal. But, if as you state, it is a question of giving representation to all interests, are Government moving in the matter? ”

THE HON. SRI K. MADHAVA MENON :—“ The Leader of the other House has assured the Hon. Speaker that he is taking the matter into consideration and that he is examining the matter. So, it must be presumed . . . ”

MR. PRESIDENT :—“ Perhaps all the important Bills will be finished before we come to any decision! ”

THE HON. SRI K. MADHAVA MENON :—“ My hon. Friends referred to the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Bill, 1947. Sir, that Bill is to replace an ordinance which will expire on the 26th of this month and it has to be passed into law before the 26th. It was very late when we introduced it in the Assembly, and there was hardly any time. (Voices : ‘ Very often it happens so. ’) It was not out of disrespect to this House. As regards sales tax, this House must understand that it has no financial powers, except to comment upon the financial position. Even in budget matters this House has power only to criticise and comment upon the finances of the Government. So, the question of sales tax measure is altogether a different thing. There is nothing for this House to grouse that a joint select committee has not been appointed. May I also tell the House that it is only in important matters that we should have joint select committees. This is not, however, such an important matter for a joint select committee. But my only excuse for the joint select committee on this Bill is that it is more or less a social legislation in which some members of this House, who have been working in this direction, will be helpful in offering their criticisms. Their help may not be got otherwise. It is not a case of any patronage. My position is that I want the help of certain people who have been working in social matters for some time, which I will not get if there is no joint select committee.”

MR. PRESIDENT :—“ The Hon. Minister has not answered my point. I really feel that under the rule as it is there is no chance of such a joint select committee being appointed. If, as you state, the only reason is that members demand representation of all interests are Government moving in the matter? ”

THE HON. SRI K. MADHAVA MENON :—“ That is what I exactly said, Sir. The Leader of the House in the Assembly gave a definite assurance to the Hon. Speaker that he is considering . . . ”

MR. PRESIDENT :—“ I know that. What has been done further? ”

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* THE HON. SRI K. MADHAVA MENON :—“ A resolution has to be moved to amend the rules. The Hon. the Leader of the Assembly has given a definite assurance to the Hon. Speaker that he is considering the matter.”

SRI R. SURYANARAYANA RAO :—“ Sir, I am sorry we are not satisfied with the explanation of the Leader of the House. You raised two points. Apart from the question of number to be nominated to the joint committee, you asked an assurance from the Leader of the House what would be the future policy of the Government regarding finance Bills and other Bills. I must confess the Leader of the House was somewhat evasive.” (Laughter.)

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noon.

THE HON. DR. T. S. S. RAJAN :—“ I do not know whether I was evasive. I am sure I am as much jealous of safeguarding the rights of this House as any other member, but as the matter has to be discussed jointly and as it will take time, it was thought that the old *status quo* rules might continue in this House also with regard to this select committee as well as other select committees that may be formed. To-day I maintain the ratio half and half now adopted is quite correct.”

SRI R. SURYANARAYANA RAO :—“ Why I said ‘ evasive ’ was, the Leader of the House has introduced two important Bills which could have been referred to a joint select committee”

THE HON. DR. T. S. S. RAJAN :—“ Those Bills have not been introduced.”

SRI R. SURYANARAYANA RAO :—“ The select committees have sat on the Non-power Factories Bill and the Shop Assistants Bill.”

THE HON. DR. T. S. S. RAJAN :—“ Yes; I meant they were not introduced here.”

SRI R. SURYANARAYANA RAO :—“ Instead of referring them to the select committee the Leader of the House could have referred them to the joint committee. So, Mr. President, Sir, you were perfectly right in asking for an assurance whether in future in respect of important Bills and finance Bills Government wished to associate this House in the select committee stage. As stated by Dr. Sir Lakshmanaswami Mudaliyar this is a very small Bill of not much consequence. If we once discuss the principles here it is not worthwhile referring it to the select committee. (Laughter.) Therefore we want, as demanded by Dr. Lakshmanaswami Mudaliyar, to be associated in select committee on important pieces of legislation. We do not mind these small committees. As regards Shop Assistants Bill and Non-power Factories Bill, it is unfortunate joint committees were not set up though the Leader of the House was the mover. So you, Sir, were perfectly right in asking for an assurance and for a clarification of the policy. In matters where our opinion may be of use why not Government set

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up a joint select committee? There are many amendments which I would like to move in the Shop Assistants Bill and Non-power Factories Bill. Since this House had no representation there, I know what would be the fate of my amendments if I were to move them in the Council. That is a point on which we are keen, apart from the question of number and adequate representation on the select committee."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" My object in raising this issue is very simple. This House has been in existence for some time and it has been found that it has not been possible for members of this House to have their point of view heard effectively. And knowing as we do the procedure after the select committee stage, it is impossible for any member to change the fate of the Treasury Bill or any Bill either in the Council or in the Assembly. In view of that, will Government give an assurance to change the machinery in consonance with the views expressed by this House and set up joint select committees with equal numbers from either House. I am sure all of us realize that the dignity of the Legislature is the common concern of both Houses. So when the Council considers that it should have its voice heard, I hope the Leader of the House will give that assurance."

* DR. V. K. JOHN :—" Sir, in associating myself with the remarks of Dr. Lakshmanaswami Mudaliyar I wish to say that most of us have on many occasions felt that discussion on Bills passed by the other House is a mere farce in this House. For no amendments can go through; and even if they go through they have to pass through the other House. On many occasions you have insisted that this House should be represented in the select committees, and we must have an assurance that there will be a joint select committee on every Bill. I don't mind the number. This is the upper House and that is the lower House. (Laughter.) I don't know whether it is the intention of the Legislature that we should have equal representation; any way we must have equal voice in shaping the Bill. I don't see why we should not discuss finance Bills in the select committee, as the select committee is only to assist the House in passing a Bill. Apart from that, the principle must be accepted by the Government, to see that there are joint select committees in all Bills where select committees of the other House are expected to function."

* DR. SYED TAJUDDIN SAHIB :—" Sir, I wish to draw the attention of the House to one point. We are not having any financial powers. Simply because we have no voice in financial matters our representation to sit in the select committee is all the more necessary, and the matter can be rectified if we proceed in the right direction. For joint select committees the rule fixes the maximum number to be fourteen. If Government raise that number, then in all important Bills this House also can be adequately represented in the joint select committee."

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* SRI M. NARAYANA MENON :—" By our discussion we are suggesting that the number of members on the joint select committee may be reduced. If that is so, it should not be agreed to. It is said that it is only for representing various interests in the Legislative Assembly more number from that House should be given a place in the joint select committee. That argument is not correct. The number of interests there are ten, and here also it is ten."

* THE HON. DR. T. S. S. RAJAN :—" Sir, hon. Members want an assurance that this House would be represented in the select committees. I am willing to give that assurance, and I have been fighting for this for the last several months. It is not as if I imagine I am a member of the other House. (Laughter.) In fact I have been a member of no other House but this House from the beginning. (Laughter.) The difficulty as explained by me was to get the willing consent from the members of the other House. We have been endeavouring for it. I may refer to an incident. When the party met at another House this subject was the subject-matter of our discussion, and we are trying to pursue it further. Whatever may be the history behind it I may assure you Sir, that the Government are very eager and very willing to take such action to convince the members of the other House of the fairness of the case. I can say this : the Leader of the Assembly has agreed to bring this matter again before the Assembly so that joint select committee may become a normal feature, and this assurance I can give you. For the present we shall have the joint select committee now under consideration, and we shall follow it up, as it will help us to pilot the measure through the other House."

MR. PRESIDENT :—" It is a small matter ; if only Government make up its mind to take it up it can be done. I had also a formal discussion about this. Anyhow nothing has been done. I suppose we had sufficient discussion."

The motion that—

'This House concurs in setting up a Joint Select Committee of the two Houses consisting of 14 members (7 members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said Joint Select Committee :

- (1) Mrs. Mary N. Clubwala
- (2) Dr. Syed Tajuddin Sahib
- (3) Sri K. Venkataswami Nayudu
- (4) Sri H. M. Jagannatham
- (5) Sri N. Ranga Reddi
- (6) The Hon. Sri K. Madhava Menon
- (7) Sri R. Suryanarayana Rao'

was put and carried.

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SRI R. SURYANARAYANA RAO :—“ May we now discuss the principles of the Bill? ”

12-15 P.m. MR. PRESIDENT :—“ No, not now. The House will be glad if out of this immoral Bill something moral will come out.”
(Laughter.)

V.—GOVERNMENT RESOLUTIONS.

(1) LEGISLATION BY THE CENTRAL LEGISLATURE IN REGARD TO CERTAIN MATTERS FALLING UNDER “ PUBLIC DEBT OF THE PROVINCE.”

THE HON. SRI B. GOPALA REDDI :—“ I move the resolution that stands in my name—

Whereas the Indian Legislature has passed the Public Debt (Central Government) Act, 1944 (Central Act XVIII of 1944), consolidating and amending the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government;

And whereas, in order to avoid inconvenience to the public, it appears to be desirable that the laws and regulations relating to Government securities should be uniform as far as possible throughout British India;

Now, therefore, this Council hereby resolves, under section 103 of the Government of India Act, 1935, that the matters dealt with in the Act aforesaid shall be regulated, in this Province, by Act of the Indian Legislature, in so far as Government securities issued by the Provincial Government and the management of the public debt of the Provincial Government are concerned, being matters falling within the scope of Entry 5 of the Provincial Legislative List, viz., “ Public Debt of the Province ”.

“ Sir, in moving this resolution, I may state that the Indian Securities Act, 1920, was applicable to the securities of both the Central and the Provincial Governments till 30th May 1946. But as the provisions were not adequate, the Central Government passed a legislation which came into force on 1st May 1946. It was thought desirable that the provisions should be made uniform throughout the provinces also. The Central Act applies only to the securities of the Central Government, but under section 103 of the Government of India Act if more than two provinces apply to the Government of India, they can regulate this matter which is included in the provincial list. Some other provincial Governments have already taken steps in this matter. They have moved their legislatures to pass similar resolutions and applied to the Central Government for undertaking necessary legislation. The Governments of Bombay, United Provinces, Orissa, North-West Frontier Province and Sind have addressed the Government of India. This Government also propose to do the same.”

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* SRI B. NARAYANASWAMI NAYUDU :—" Sir, what I want to know is this. This matter relates to Entry 5 in the Provincial Legislative List and even after the Central Act was passed we have got a right to legislate on this subject. If necessary that right may be exercised in accordance with the legislation of the Central Government. But why should we curtail our right to pass an Act? It is a question of surrendering a certain legislative power in our hands. Is this done on the order of the Government of India or is it considered to be in the interests of the Province to surrender this power? If it is a question of maintaining uniformity, this House may agree to pass a legislation which is word for word the same as the Central legislation. If there is an inconvenience in that course, this House will pass its own legislation.

" There is also another reason, Sir, I am afraid we are going forward to have a unitary type of Government vesting all powers in the Central Government. This is the first step in that direction. It is a sort of smoke-screen. The hon. Member Dr. Sir Lakshmanaswami Mudaliyar has already given notice of a resolution on this question. A federal structure was proposed at first and the members were elected to the Constituent Assembly with a mandate for a federal structure constitution. Now the whole thing is being turned down and is being reconstructed on the basis of a unitary centre. My submission now is, apart from this big constitutional question, 'Why should this Government and this Legislature be called upon to surrender their powers of legislation with regard to securities?' No reason has been given. Simply because the Government of India have said : ' Please do this ', are we here to endorse what they say as mere rubber stamps? "

SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, I join issue with my hon. Friend Mr. Narayanaswami Nayudu when he said that we are not satisfied with the reasons given by the Hon. Finance Minister for surrendering our right to legislate in respect of matters in which we possess the right. In fact we should demand for more rights from the Central Government."

MR. PRESIDENT :—" The hon. Member does not join issue with him but supports him."

* SRI R. SURYANARAYANA RAO :—" I am sorry, Sir, I join with him in this issue. I want to raise four or five points in this connection. If we surrender this power, will the Provincial Government be at liberty to float loans on such terms as it thinks necessary without the prior approval and sanction of the Dominion Government? Will the Provincial Government have any voice in their dealings with the Reserve Bank of India, a body constituted by an Act of the Central Legislature? Will the interests of this Province be sufficiently safeguarded without being subject to the influence of North Indian financiers who have a controlling voice in the affairs of the Reserve Bank? This House should be satisfied why this new procedure is sought to be adopted before asking our concurrence. If the Hon. Minister is anxious to remove certain lacunae in the terms of our securities, why should he not

[Sri R. Suryanarayana Rao]

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bring forward a Bill on the same lines as Act XVIII of 1944 making such alterations as are necessary to suit our conditions? Instead, why does he ask us to simply register our consent to an Act passed by the Central Legislature? Sir, is the Reserve Bank of India going to be our agent? After reading the Act XVIII of 1944 it looks as if it is not going to be an agent, it is going to be our master. The Reserve Bank of India is only accountable to the Central Government and not to our Government. Any representation we have to make about the Reserve Bank of India we will have to make through the Central Government. That is a point we have to remember. Recently we co-operators had a great grievance against the Reserve Bank of India for the treatment accorded by the Reserve Bank to proposals for financing agricultural operations. Even the Central Government could not do anything, because some statute constituting this Reserve Bank was quoted against us. The Central Government was not of much help. I think, Sir, in dealing with the Reserve Bank of India, wherein the voice of this Province is generally not heard and it is only the North Indian financiers that control the dealings of the Reserve Bank, we should be very cautious in registering our consent to this resolution. I therefore suggest that the Hon. Finance Minister need not be in a hurry. In fact the provincial constitution is in the making and what will be our relationship with the Indian Dominion and what will be the position of the Provincial Government will be known very soon. Afterwards we can take such steps as are necessary. We are not going to suffer in the meanwhile to any extent. The Hon. Minister for Finance gave notice of this resolution in June and we are now at the end of October. Evidently he is not in a hurry to get the resolution passed. It has to be passed by the other House. We can well wait till our future position is settled and then think of either committing our interests to the Central Government and the Reserve Bank of India or bring forward a Bill in this Legislature on the same lines as Act XVIII of 1944. But whatever may be the fate of our opposition here, let my hon. Friend remove the word 'British' from the phrase 'throughout British India'. We no longer constitute British India."

* DR. V. K. JOHN :—" Sir, I give my support to this resolution, because the preamble says, 'in order to avoid inconvenience to the public . . . ,'"

MR. PRESIDENT :—" We have got a long agenda to-day."

* DR. V. K. JOHN :—" I shall be brief. The preamble says—

'And whereas, in order to avoid inconvenience to the public, it appears to be desirable that the laws and regulations relating to Government securities should be uniform as far as possible throughout British India'.

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p.m. I think, Sir, this matter concerns this province as well as other provinces. This province should give a lead to other provinces in matters in which we should act unitedly. I, therefore, support the resolution. And I also support the observation made by Mr. Suryanarayana Rao that the word 'British' might be dropped from the resolution."

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MR. PRESIDENT :—" I think the word ' India ' will do."

THE HON. SRI B. GOPALA REDDI :—" Sir, I am afraid my friends have smelt a rat where a rat does not exist. They have felt very apprehensive about the future of the Provincial Governments' relations with the Central Government. Sir, the superseded Act related only to promissory notes while we are now contemplating applying this to stock certificates which have gained prominence in recent times. Our stock certificates are handled in Bombay and other provinces and therefore we think that there should be a uniform law. Unless there is uniform legislation relating to our own stock certificates they cannot secure enough confidence in Bombay. If there is a uniform law made by the Government of India at the request of the Provincial Governments it will certainly carry more conviction to those who are dealing in stock certificates. It is a matter of keeping more confidence in the people who are dealing in stock certificates. This is brought forward in order to minimise the inconvenience to the public. I may mention, Sir, that all the Provincial Governments have agreed to this. It is not as though anybody has surrendered any right to the Central Government. There are the other Provinces also like the United Provinces, Bihar and Orissa who are equally alive of the rights and privileges of the Provincial Legislatures and they will not be willing to part with their powers either. Therefore it is not a question of parting with anybody's powers at all. It is a question of having a uniform law for creating greater confidence in those people who are dealing in stock certificates. The Reserve Bank of India have suggested that for administrative convenience it is desirable that the Provincial Governments should fall in line with the Central Government by taking advantage of section 103 of the Government of India Act. Apart from the view of the Reserve Bank of India we have consulted some people who are in the profession, who know the things and they also felt that a uniform legislation is really desirable and necessary. Therefore we have brought forward this resolution. It is true that I gave notice of it in June last. For one reason or another we could not meet earlier. The Government of India have reminded us and they have said that it would be better if we sent up our resolution to them so that they may undertake legislation. I accept the amendment suggested by Mr. Suryanarayana Rao, Sir, namely, that the word ' British ' might be omitted."

The resolution as amended was put and carried.

(2) AMENDMENT TO RULES UNDER THE COTTON TRANSPORT ACT.

* THE HON. SRI K. MADHAVA MENON :—" I move, Sir, that—

' This Council recommends to the Provincial Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act (Central Act III of 1923) be issued in the form submitted.'

[Sri K. Madhava Menon] [20th October 1947]

NOTIFICATION.

In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (Central Act III of 1923), His Excellency the Governor of Madras hereby makes the following amendment to the rules published with Development Department Notification No. 278, dated the 19th September 1928, at pages 1455 to 1461 of Part I of the Fort St. George Gazette, dated the 25th September 1928, as subsequently amended :—

Amendment.

In the said rules, after rule (9), the following rule shall be inserted, namely :—

“(9-A) The licensing authority may require the inspection of any consignment of cotton by an officer of the Agricultural Department before the grant of a licence for the import of the consignment into a protected area. The rates for such inspection shall be Re. 1 per bale of 400 lb. of cotton lint or Rs. 2 per bale of 800 lb. of cotton kapas subject to a minimum of Rs. 100. The officer will not be deputed for inspection outside the limits of the Province.”

“The notification has been necessitated because with a view to maintain the quality and reputation of cotton grown in certain areas in the Province the Government have issued a notification under sections 3 and 7 of the Cotton Transport Act. The notification prohibits the import of cotton from the northern, western and southern areas except under a licence issued under section 10 of the Cotton Transport Act. A fee has not been prescribed for the grant of a licence. Since the Legislature has already decided that a fee should be prescribed the amendment that I have tabled is only prescribing a fee for inspection.”

The resolution was put and carried.

IV.—GOVERNMENT BILLS—cont.

(2) THE MADRAS HACKNEY CARRIAGE (AMENDMENT) BILL, 1947
(L.A. BILL NO. 18 OF 1947).

THE HON. SRI M. BHAKTAVATSALAM :—“ I move, Sir—
‘that the Madras Hackney Carriage (Amendment) Bill^a,
1947 (L.A. Bill No. 18 of 1947) as passed by the Legislative Assembly be taken into consideration at once.’

“ Sir, this is a simple amendment seeking to raise the fee from two annas to four annas on account of the rise in the cost of printing the list of fares.”

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

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THE HON. SRI M. BHAKTAVATSALAM :—" I move, Sir—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(3) THE PRISONS (MADRAS AMENDMENT) BILL, 1947 (L.A. BILL NO. 19 OF 1947).

THE HON. SRI K. MADHAVA MENON :—" I move, Sir—
' that the Prisons (Madras Amendment) Bill^a, 1947 (L.A. Bill No. 19 of 1947), as passed by the Legislative Assembly be taken into consideration at once.'

" Sir, the Bill seeks to remove the punishment of whipping for persons who are on hunger strike. The punishment of whipping for hunger strikes was introduced in 1942. My predecessor Mr. Bhashyam thought and rightly thought that this was a barbarous punishment for going on hunger strike, namely, whipping a prisoner who is on hunger strike either during the time of the hunger strike or after the hunger strike is over. When this Bill was introduced in the other House the debate on the question ranged from all angles of jail reform. I submit that the scope of the Bill is very limited and the questions whether other punishments in jail are just or not or what reform should be undertaken are under the consideration of the Government. Certain punishments are necessary for hunger strikes in jail. At the time when Mr. Bhashyam was in office there was a wave of hunger strikes and he thought that the punishment of whipping was unnecessary or improper in such cases. Sir, I cannot agree that hunger strike is the proper form of expression of grievances in jails or anywhere else. This has been used now-a-days more as a stunt than for any real objection. Whatever that may be the punishment of whipping for hunger strikes is unnecessary and improper and I, therefore, move, Sir, that the amendment may be accepted by the House and the Bill be taken into consideration at once."

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON :—" I move, Sir—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(4) THE PRISONS (MADRAS AMENDMENT NO. II) BILL, 1947
(L.A. BILL NO. 20 OF 1947).

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
' that the Prisons (Madras Amendment No. II) Bill^b, 1947 (L.A. Bill No. 20 of 1947) as passed by the Legislative Assembly be taken into consideration at once.'

" This is also a very small matter, Sir. To avoid certain technical difficulties civil debtors when they are arrested are

^a Printed as Appendix VI on page 482 infra.

^b Printed as Appendix VII on page 482 infra.

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brought before a civil court and their maintenance allowance is collected by the civil court. The clothing, bedding expenses were being collected by the civil court along with other expenses. But it was found that there was no provision in the law under which to collect the money and that procedure was improper. Therefore the High Court took objection to the procedure and the original rule was resorted to, namely, that the Superintendent of the Jail should send a registered post card to the creditor concerned and if within 48 hours no reply is received from him the prisoner would be released. Considerable difficulty has been experienced in getting at the creditor in time. Now by this amendment it is sought to provide that the bedding and clothing money might also be collected by the court along with the maintenance amount when it commits a prisoner to the civil jail. This involves considerable saving to the Government and also the procedure becomes very easy."

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON :—" I move, Sir—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(5) THE MADRAS TUBERCULOSIS SANATORIA (REGULATION OF BUILDINGS) BILL, 1947 (L.A. BILL NO. 22 OF 1947).

THE HON. SRI A. B. SHETTY :—" I move—

' that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Bill " , 1947 (L.A. Bill No. 22 of 1947), as passed by the Legislative Assembly be taken into consideration at once.'

" We have now three separate Acts passed during the section 93 situation to control building operations in the vicinity of the tuberculosis sanatoria at Madanapalle, Tambaram and Perundurai. As these Acts will expire on the 30th April 1948, it is necessary to re-enact them now. These three Acts have been consolidated into one general Act which will apply not only to the three sanatoria mentioned by me but also to any other sanatoria that will be started hereafter."

The motion was put and carried.

Clauses 2 to 14, 1 and the Preamble were put and carried.

THE HON. SRI A. B. SHETTY :—" I move—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

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(6) THE MADRAS CITY IMPROVEMENT TRUST (AMENDMENT) BILL, 1947
(L.A. BILL NO. 23 OF 1947).

* THE HON. SRI A. B. SHETTY :—“ I move—

*‘ that the Madras City Improvement Trust (Amendment) Bill * , 1947 (L.A. Bill No. 23 of 1947), as passed by the Legislative Assembly be taken into consideration at once.’*

“ The Statement of Objects and Reasons explains the purpose of this amending Bill. The Madras City Improvement Trust Act, 1945, was brought into force on the 1st March 1946, but the Chairman of the Board of Trustees constituted under the Act actually assumed office only on the 25th October 1946; and until he did so, no expenses were incurred in connexion with the enforcement of the Act. So the contribution to be paid by the Government and by the Corporation of Madras should only be for the period from the 25th October 1946 to the end of the financial year. The amendment seeks to make this intention clear.”

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI A. B. SHETTY :—“ I move—

‘ that the Bill be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

VI—GOVERNMENT RESOLUTION *RE* FORMATION OF LINGUISTIC PROVINCES.

THE HON. DR. T. S. S. RAJAN :—“ I beg to move the resolution which stands in my name . . . ”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ On a point of order, Mr. President, I beg to submit that this Council is not competent to discuss a resolution of this nature. Rule 115 of the Madras Council Rules reads: ‘ Subject to the restrictions contained in the Act and the rules, any member may move a resolution relating to a matter of general public interest within the cognizance of the Provincial Government.’ Splitting up of a Province into various provinces is not a matter within the cognizance of the Provincial Government. Section 49 (2) of the Government of India Act says that, ‘ the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.’ . . . ”

(There was a pause.)

MR. PRESIDENT :—“ Let the Hon. Minister move the resolution. The hon. Member can raise his point of order later on, as he does not explain now.”

THE HON. DR. T. S. S. RAJAN :—“ We shall continue after lunch, as it is now already 1 o'clock.”

The House then adjourned for lunch.

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(After lunch—2-30 p.m.)

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Mr. President, Sir, this morning I was referring to rule 115 of the Madras Legislative Council Rules which prescribes the matters in respect of which resolutions can be moved in the Council. Resolutions can be moved only relating to a matter of general public interest within the cognizance of the Provincial Government. Now to understand what is meant by the words ‘within the cognizance of the Provincial Government,’ we will have to go to section 49 (2) of the Government of India Act, because that section prescribes the extent of the executive authority of a Province, and it is those subjects which are within the purview of the executive authority that are matters within the cognizance of the Provincial Government. Section 49 (2) says: ‘Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.’ That is to say, the executive authority of the Government is co-extensive with the law-making powers of the Legislature. Now sections 100 and 104 of the Government of India Act define the law-making powers of the Legislature. Section 100 relates to the Federal Legislative List, the Concurrent Legislative List and the Provincial Legislative List. Section 104 refers to the residual powers of legislation, and under this section the Governor-General may empower a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the lists in the Seventh Schedule to this Act.

“ Now, Sir, the matter regarding the division of a Governor's Province into parts is not contained in any of the Legislative Lists in the Seventh Schedule. Under such circumstances, I submit that the Provincial Legislature has no power to move any resolution which is not covered by the Provincial lists, that is, which do not come within the law-making powers of the Legislature.

“ Now, Sir, section 46 defines the Governors' Provinces. It says that the Provincial Governments shall consist of the existing Governors' Provinces and that the expression ‘Province’ means a Governor's Province and ‘Provincial’ shall be construed accordingly.

“ Now, Sir, my first point is that in so far as the subject matter of this resolution, viz., the division of the province on linguistic basis or otherwise is not covered by any of the list in the Seventh Schedule, this House is not competent to discuss the resolution relating to that matter.”

MR. PRESIDENT :—“ Is it, that this House is not competent to discuss or legislate? ”

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ I say that this House is not competent to discuss a resolution of this kind, Sir, because, rule 115 says that resolutions can be moved which are only within the cognizance of the Provincial Government and relate to matters within the law-making powers of the

20th October 1947] [K. T. M. Ahamed Ibrahim Sahib Bahadur] executive authority. In other words, Sir, this House is not competent to discuss resolutions which are not covered by the powers of the Legislature to make laws.

"Now, Sir, section 110 of the Government of India Act restricts the power of the Legislature to make laws amending any provision of this Act. Section 110 (ii) reads thus—

'Nothing in this Act shall be taken—

'Except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any provision of this Act, or any Order-in-Council made thereunder or any rules made under this Act by the Secretary of State or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgment.'

MR. PRESIDENT :—"Section 110 has been omitted in the Adaptation Order."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—"Thank you, Sir. Now since section 110 has been removed by the Adaptation Order, I am not pressing this point. But my only point is that rule 115 read with section 49 (2) of the Government of India Act would definitely point out that this resolution is not within the competence of this House.

"Further Sir, this resolution would mean that this House wants to annihilate itself, wants to commit suicide and such a suicidal act cannot be approved on general principles, because this House would be completely destroyed if this Province is divided into four linguistic provinces and four legislative bodies come into being."

MR. PRESIDENT :—"That will be the result even when the present new constitution comes up."

THE HON. DR. T. S. S. RAJAN :—"Sir, this is only a resolution presented to the Government of Madras with a request to transfer it to the Constituent Assembly."

MR. PRESIDENT :—"The point is this. This resolution recommends that the Constituent Assembly should immediately take steps to constitute new linguistic provinces. To whom is this resolution to be sent? Is it to be sent to the Constituent Assembly or to the Government of Madras?"

THE HON. DR. T. S. S. RAJAN :—"Sir, this resolution is intended for the Constituent Assembly. We pass this resolution and send it to the Government of Madras with a request that it may be transferred to the Constituent Assembly for necessary action."

SRI R. SURYANARAYANA RAO :—"Sir, if rule 115 of the Council Rules is applied, I think it is clear that this resolution is not in order. No doubt we have allowed on previous occasions many resolutions violating rule 115."

MR. PRESIDENT :—"In fact, we have sent a resolution greeting Mahatma Gandhi."

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SRI R. SURYANARAYANA RAO :—“ Apart from that, Sir, I have not come across any Government resolution recommending to the Government to convey the feelings of this House. I would have understood if a resolution of this kind had come from some members of the House rather than from the Members of the Treasury Bench.”

MR. PRESIDENT :—“ Is it a different point of order you are raising now? ”

THE HON. SRI K. MADHAVA MENON :—“ May I quote a precedent, Sir. In 1939, a similar resolution was passed at the time of the last Congress Ministry by the then Prime Minister Mr. C. Rajagopalachari.”

SRI R. SURYANARAYANA RAO :—“ Unless you rule that in view of the fact that we have allowed on previous occasions resolutions of a similar character which offended against rule 115, this resolution may be discussed, it will be out of order to discuss this resolution, Sir.”

MR. PRESIDENT :—“ That is not going to be my ruling.”

SRI S. B. ADITYAN :—“ May I point out, Sir, that the same point of order was raised by me at the last sitting of the Council when the Deputy President was in the chair. The point that was raised by me was exactly on the same terms as that raised by my hon. Friend Mr. Ibrahim now, and that was with reference to the resolution of the hon. Dr. Sir A. Lakshmanaswami Mudaliar on the non-official day, to the effect that this Council should be allowed to discuss the Provincial constitution framed by the Constituent Assembly. That point was discussed for nearly an hour on that day and it was ruled by the Deputy President, who was then in the chair that it was within the competence of this Council to make a request to the Constituent Assembly to send their draft Provincial Constitution for discussion by this House. What we propose to discuss now is one aspect of the same question. In view of that ruling on the very point, how can we now say that we cannot discuss this particular aspect of the question? ”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, the objection of my hon. Friend Mr. Ahamed Ibrahim is that subject to the restrictions contained in rule 115, can a member of the Government move a resolution of general public interest? Can this be said to be a subject of general public interest within the cognizance of the Provincial Government? That seems to be his main objection. I say, Sir, that it is perfectly within the cognizance of the Provincial Government to recommend anything to the Constituent Assembly or to the Central Government even without consulting this House. But the resolution is intended merely to strengthen the hands of the Provincial Government with the support of non-official representatives of the Legislature, so as to approach the Constituent Assembly with greater authority. That is all the purpose, Sir, of the Government member moving this resolution and therefore I submit that it is perfectly within the competence of this House to pass this resolution.”

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* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Can we even make a recommendation to Mars? "

* THE HON. SRI K. MADHAVA MENON :—" Sir, we are not passing any legislation to examine whether it is within our competence or not. This resolution merely recommends to the Government to convey to the Constituent Assembly that we want a redistribution of the Province according to linguistic areas. It is simply a request and a recommendation and I think it is not outside the purview of this House. It was exactly the same point that was raised by my hon. Friend Mr. Adityan in connection with the resolution of the hon. Dr. Sir A. Lakshmanaswami Mudaliar on the last occasion and as you know, Sir, it was overruled by the Deputy President, who was then in the chair and held that it was perfectly within the competence of the House to pass such a resolution, because it was simply a recommendation to the Government to convey the wishes of this House to the Constituent Assembly."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, What the Deputy President then said was that since the resolution had already been admitted and since no objection was raised earlier, he could not give a decision otherwise."

DR. V. K. JOHN :—" In my humble opinion, Sir, this objection has no substance at all."

MR. PRESIDENT :—" I am glad to have some support from you."

DR. V. K. JOHN :—" Mr. President, under rule 115 ' any Member may move a resolution relating to a matter of general public interest within the cognizance of the Provincial Government.' We have to interpret what is meant by the words ' within the cognizance of the Provincial Government.' In my opinion, these words qualify the words ' matter of general public interest.' This is a matter which is of interest to this Province; moving a resolution asking the Constituent Assembly to redistribute the province in a particular way is certainly a matter of general public interest and it is within the cognizance of the Provincial Government. How a constitution should be drawn up affecting the province is certainly a matter of interest to the Provincial Government which represents the public opinion of the province. If you give too narrow an interpretation then you take away from the jurisdiction of the Provincial Government what you may not do. The Provincial Government must certainly be able to make a representation and tell the Constituent Assembly that this is the public opinion in this province. I am not, of course, supporting the resolution regarding linguistic provinces. We shall deal with it later. Rule 115-A says that every resolution shall be in the form of a specific recommendation addressed to the Government. This requirement is satisfied by the wording of the resolution. I cannot see any substance in the argument that this is not a matter within the cognizance of the Government. The Government represents the people and this matter is one of provincial

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p.m.

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interest. The rule does not say 'only with regard to legislative matters.' What is within the cognizance of the Provincial Government? Any matter of general public interest is within the cognizance of this Government. But supposing there is something which is not of general public interest, e.g., a matter which is important to the Punjab and not to our province, then this Provincial Government is not interested in it. I, therefore, submit, Sir, that there is absolutely no substance in the objection that this resolution is not in order."

* MR. PRESIDENT :—" I think this point of order cannot stand. The objection that rule 115 read with section 49 (2) stands in the way of this resolution being considered by this House is not valid for these reasons. The objection of the hon. Member seems to be that the powers of the Provincial Government are co-extensive with legislative matters coming within the cognizance of this House. That is the substance of his argument. It is obvious that it is not correct, because the Provincial Executive Government have got many other duties to perform in addition to carrying out the laws passed by this House. It is clear that the executive Government have various other functions to do, for instance, they have got to employ a large staff in the services and there is no legislative enactment asking them whom to appoint, when to appoint and how to appoint. Again, we find the executive Government collecting a large revenue from land, and there is no legislation dealing with that kind of collection and yet the Government is discharging its functions. It is possible to multiply instances, and so we cannot say that all that the Government can do is to carry out legislative enactments which this House passes.

" In addition, the hon. Member has failed to note the wording used in section 49 (a). It says : ' the executive authority *extends* to the matters '—it does not say, it is co-extensive, nor does it say that it is circumscribed by—' with respect to which the Legislature of the province has power to make laws.' It only says ' extends ' ; so it is an amplification of the powers of the Government and not a circumscribing of the powers of the executive authority. So, there is no substance in the argument that the executive Government cannot do anything apart from carrying out the laws passed by this House.

" Then again, whether this is within the cognizance of the Provincial Government is the next point raised by him. There is no doubt that this matter is of very great general public interest. We must not also forget the passage of time, that circumstances have changed between the time when these rules were framed and the times through which we are now passing. These rules did not certainly contemplate a change in the status of our country or the Constituent Assembly which is now functioning at Delhi. I am sure hon. Members will agree when I say that the functions and the duties of the Constituent Assembly are of very great importance not only to the general public of the country but also to this House. While so, it cannot be said that this Government should

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shut its eyes to what is happening within the Constituent Assembly and that it cannot tell that Assembly how it should function, how the provinces should be divided, what boundaries the provinces should have and all that. These are all matters of very great importance not only to the general public but matters in which the Government is vitally interested; and as such, it cannot be said that this is a matter which is not within the cognizance of the Provincial Government.

"The hon. Member raised another objection saying that division of the province is not within the cognizance of either this House or of the Government. Section 290 of the Act says:

'Subject to the provisions of this section, the Governor-General may by order (a) create a new province, (b) increase the area of any province, (c) diminish the area of any province and (d) alter the boundaries of any province: Provided that before making any such order, the Governor-General shall ascertain the views of the Government of any province

That is the new Adaptation Order. So, it is clear from this section that the Act does contemplate a change in any province or its boundaries. Just because the section says that the 'Governor-General shall ascertain the views of the Government' it does not mean that the Government should wait till the Governor-General consults them. It is open to the Government *suo motu* to go before the Governor-General or whosoever the authority may be and tell that authority how the province should be divided. The section, of course, refers only to the Governor-General. The idea of a province being changed or the boundaries being changed is contemplated by the Act; and so the only question is whether we ought to go to the Governor-General or the Constituent Assembly.

"Again, the hon. Member said that if this resolution is passed, it will be tantamount to this House committing suicide. I think he has not read the resolution properly. This resolution says:

Andhra as forming separate provinces under the new constitution and provision be made for early appointment of a Boundary Commission

So, the resolution is to recommend to the Constituent Assembly to make provision in the new constitution which it is framing for the formation of these four provinces. By the time the new constitution comes, we will have disappeared. There is no question of suicide; something else will have happened and we will have disappeared. This is only a recommendation to the Constituent Assembly to frame the constitution in such a way as to provide for four new provinces out of this one province.

"Section 100 is entirely beyond the point; there is nothing in that section which I need refer to.

"For the reasons given by me, I rule out the point of order."

* THE HON. DR. T. S. S. RAJAN :—"Mr. President, Sir, the resolution which I have the honour to move runs as follows:—

'That this Council recommends to the Government to convey to the Constituent Assembly that this Council is of opinion that a redistribution of Provinces on a linguistic

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basis is a necessary requisite in the framing of a constitution for India and that therefore this question be taken up for consideration by the Constituent Assembly at the next sitting of its session and steps be taken for enumerating the Provinces of India on a linguistic basis and particularly Tamilnad, Kerala, Karnataka and Andhra as forming separate provinces under the new Constitution and provision be made for early appointment of a Boundary Commission or Commissions or other machinery suitable for the delimitation of the boundaries of the abovementioned Provinces.'

Sir, this resolution is exactly and identically the same as the one passed in the Legislative Assembly a few months ago. It could not be brought before this House immediately on account of the interval that elapsed between the last session and this; but it has in no sense lost its importance or significance. The Indian National Congress has committed itself to this position of dividing the country for administrative convenience into linguistic areas. Whether language should be the basis of forming divisions is a matter for debate; but the fact remains that a large area of the country is to-day populated by people who speak one language which to them is of fundamental importance not only in their cultural sphere but also in their administrative activities. The Andhras have been agitating for over a decade and more for a separate province of their own. Public opinion has been created and sponsored and to-day it is more or less, you may take it as a fact, there is absolutely no adverse opinion with regard to the division of this province. The Andhra Province question has been in the forefront of all public men in the Andhradesa, and even to-day they are making tremendous efforts towards bringing this question to the minds of the people of this province. And so, through both these Chambers of the Legislature we are bringing this question for consideration before the Constituent Assembly. After all, what does this resolution say? It says that this question be taken up for consideration by the Constituent Assembly at its next session. It says we do not want it to be postponed for another session; we want it immediately and now, as soon as the Assembly's next session begins.

3 p.m. "Then, again, the indication contained in this resolution is that steps be taken for enumerating the provinces of India on a linguistic basis and particularly Tamilnad, Kerala, Karnataka and Andhra as forming separate provinces under the new constitution and provision be made for early appointment of a boundary commission or commissions or other machinery suitable for the delimitation of the boundaries of the abovementioned provinces. What is required of this Council is just to convey this to the Constituent Assembly because public opinion has been agitating for a number of years that language should be accepted as the basis for the future formation of the Provinces. I would even say that we have adopted a most humane and convenient consideration in

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having the language as the basis. In fact, Tamilnad to-day is starting an agitation for a separate province of its own. As the formation of the Andhra Province was a question that was put before the public mind and because that question has been brought to the front, the question of the Tamilnad having a separate province was to a certain extent made quiescent. But, public bodies of the Tamil districts have now come forward and they have emphasized the idea of separation on linguistic basis. They claim that a Tamil Province is necessary and that they are entitled to a separate Province. So, the question of the division of provinces has in consequence arisen. Which should be the limit of the Andhra Province? Which should be the limit of the Tamil Province? These questions cannot be settled by mere public meetings or by separate organizations but have to be referred to the usual procedure that is being adopted in the various Provinces in India and that is, a boundary commission will go into the question and give its award. When once the award of the boundary commission is given, it is tantamount to having accepted division on linguistic basis. That boundary commission will go into such questions as, whether there should be a Kerala Province or a Karnataka Province or whether they should be left for further discussion. But about two provinces, the Andhra and the Tamilnad, there can be no doubt. These two Provinces are very big provinces and they have got more or less equal population. Perhaps the Tamil Province has more than the Andhra.

“ Sir, with regard to the cultural values of these regions, I feel there need be no discussion about that point. As far as I know the Tamil culture is certainly a distinct culture. It claims to have more ancient characteristics than even the Telugu culture. With regard to the division of provinces, the outstanding fact remains that Tamil Province is a province with a language which is its own and I will even go to the extent of saying that it is a unique language among the Indian languages, in the sense that it has got an origin of its own. In that, it is unique among the languages prevalent in India. It is a language native in its origin but it has developed to the position which it is occupying to-day. I am sure the same may be said of Andhra literature also. So, the urge of the Andhra people for a separate political entity is entirely justified. So also the claim of the Tamilnad people for a separate province is justified. Whether the Karnataka can be formed as a separate province without infringing into the political rights of the Canarese districts and also whether the Kerala can be formed as a separate province without infringing into the political rights of States like Travancore and Cochin, these are questions which will be placed before the boundary commission. Therefore, we cannot think of the possibility of separate political province for Karnataka or Kerala unless there is a unification of all the Canarese-speaking people and the Malayalee-speaking people. In the case of the Kerala Province, we have to take into consideration the people of Malabar, Travancore and Cochin. There is again the

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question of the Nizam's Dominions which has got its own political standards to-day as an independent State. Therefore, when once the question of the division of provinces on linguistic basis is taken up, I do not know whether the Nizam's territories will stand on that linguistic basis because the major portion of the population of the Nizam's territories consists of Andhras, Karnatakas and Mahrattas and there is absolutely a handful of Muslim population. Therefore, the Nizam's Dominions cannot by any means be constituted on a linguistic division of the provinces. But, the fact remains that there are two distinctively outstanding regions which can be divided and which, according to the statistics at the disposal of the Government, may be divided and two new political States carved out and made economically self-sufficient. The question whether this multiple division of provinces will conduce to national solidarity and to the strength of this country is a matter that should be left to be decided by bodies like the Constituent Assembly. But with regard to the division of these Provinces, is it merely political division, is it merely administrative division or more than all things, is it a cultural division? This is a matter that has got to be considered very deeply because by no stretch of imagination can it be said that they wanted these separate provinces to be formed in such a way as to weaken the central structure which will have its ties with these provinces. History has proved this case. We know that there are 56 political units in this country. We know also that there are several small States which are tied together by common sentiment, functioned as a national State. About the fundamental principle of division on linguistic basis, there is no doubt but whether this division is going to create something beneficial is a matter that should be gone into later on. I feel that this House will be agreed about the public opinion in this province that the provinces should be divided on a linguistic basis. It has been accepted by the Congress and public opinion also has accepted it and therefore what remains to be done is to constitute a committee consisting of an intelligent body of persons who can go into the question in detail so that the provinces can be formed and worked economically, linguistically and from a national point of view. I do not think personally that there will be any difficulty in working out a division suitable to all people and while dividing, we must see that the units will of itself develop their inherent strength and thus form a solid compact national entities. I am sure that the opinion expressed by the Assembly also is more or less unanimous on this point. Of course, I know there are differences of opinion. Some small districts or groups of districts may not like to join a particular linguistic province, but in view of the public opinion that is expressed in this province, I feel that it is better to have this province divided on a linguistic basis. With these words, I commend this resolution to this House."

MR. PRESIDENT :—" There are some amendments by hon. Members, Mr. Ahamed Ibrahim Sahib and Mr. Suryanarayana

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Rao. They may formally move those amendments so that discussion may go on both, on the amendments and on the original resolution at the same time."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—
" Sir, I move—

' that after the word " linguistic " wherever it occurs, the words " and cultural " shall be inserted and after the word " Kerala ", the word " Moplasthan " be inserted.'

" Mr. President, Sir, the Hon. Dr. Rajan who has moved the resolution was not himself quite sure of the basis for the division that is contemplated in the resolution."

THE HON. DR. T. S. S. RAJAN :—" It was on the basis that I was talking all the time."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" He says that the division may be ' political ', ' administrative ' and also ' cultural. ' I would like to add that my amendment exactly fits in with the statement of the Hon. Dr. Rajan, who moved this resolution that it may be political, administrative and cultural. Therefore, I think it is not necessary for me to elaborate this point especially as the mover of the resolution himself has used that word. After all, my amendment is that after the word ' linguistic ' the word ' cultural ' may be added, because if provinces are to be divided merely on the basis that some persons speak a particular language in a particular area, it stands to reason much more that division should be effected on cultural basis."

MR. PRESIDENT :—" Will the hon. Member be satisfied with ' cultural ' or does he also wish that there should be ' administrative ' and ' economic ' divisions."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I would like to have only the word ' cultural ' added because the other words are coming in the amendments to be moved by my hon. Friend, Mr. Suryanarayana Rao. I am doing part of the work and my hon. Friend, Mr. Suryanarayana Rao, will do the other part. The speech of my hon. Friend, the mover of the resolution, has simplified my work as he has practically supported my amendment. Sir, the whole province has been one administrative unit for more than a century. Now, attempts are being made to divide it simply because people in particular areas speak particular languages. If these divisions are to be effected merely on the basis of the languages of the people, then, Sir I say that culture will be a more fundamental basis for the division. That is why I want that the word ' culture ' should be inserted after the word ' linguistic. '

" Now, Sir, as regards my second amendment, it is well known that the Moplahs who form one-third of the population of Kerala have a distinct culture of their own. I will say this much that there is as much agitation among the Moplahs as there is among the Andhras and the Tamils for a separate province. There is a widespread agitation among the Moplahs that a separate area in Kerala should be constituted into a province called ' Moplasthan. '

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3-15 p.m. " Dr. Rajan also based as one of the reasons for his resolution the agitation among the people of the particular areas, the same test my amendment also satisfies fully because there is wide-spread agitation among the Moplahs to the effect that the areas where they form a predominant portion of the population and certain islands like the Laccadive Islands which are exclusively populated by them should be constituted into what is called 'Moplasthan.' "

SRI S. B. ADITYAN :—" Is it to be a State or a province. "

MR. PRESIDENT :—" We will know it after it comes into existence. "

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Moplahs, it is well known, have got a different culture of their own. For the purpose of argument you may refuse to admit it but you must admit that there is a strong feeling among the Moplahs that they have got a distinct culture of their own. If historic evidence is needed, it can be produced. Even people 60 years ago have written about it. Historians have written about the separate culture of the Moplahs and it is still preserved in the Royal Asiatic Journal office at Calcutta. It is absolutely necessary that the feeling that is now in evidence among the Moplahs should be given effect to when this province is divided into various provinces. When it is divided into four provinces, there is nothing wrong into its division into five provinces. "

MR. PRESIDENT :—" Just for information I want to know whether Moplah culture is different from Malayalam culture. "

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" There are very many points of difference. "

MR. PRESIDENT :—" Apart from religion, is there any difference in culture? "

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" It is religion which makes the fundamental difference in the culture between any two communities. Language is only a matter of accident and because one speaks a particular language he cannot be entirely different from other human beings but religion is the motive power for all actions of human beings, and as such it easily becomes one of the fundamental bases of all cultures. "

DR. V. K. JOHN :—" May I know, Sir, on a point of information, whether there is any definite portion of Malabar where Moplahs predominate? "

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" There are particular areas in which Moplahs form a predominant majority. It is why I am moving this amendment. If they do not form a majority in any place then it will be a different question. "

SRI M. NARAYANA MENON :—" Are there to be village republics in Malabar and village states? "

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ There is nothing wrong in having them even if it comes to that especially when you speak of village self-sufficiency schemes.”

MR. PRESIDENT :—“ We have to finish this resolution to-day.”

* **K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—**“ I will only refer to two points. The entire resolution is only a recommendation to the Constituent Assembly to take this matter into consideration. As Hon. Dr. Rajan said, it is the Constituent Assembly which has to finally decide whether to divide this Province into four or two. He himself is not sure whether the formation of Karnataka and Kerala provinces unless inroads are made into independent sovereign States like Cochin, Travancore and the Nizam's Dominions. Such being the case, it is only a suggestion that is being made to the Constituent Assembly and along with that suggestion to form four provinces let them also add a suggestion regarding Moplastan and if necessary this may also be sent to the Boundary Commission that is to be appointed to settle the delimitation of the Province.”

MR. PRESIDENT :—“ Anybody seconding this amendment? ”

V. HAMEED SULTAN MARICAIR SAHIB BAHADUR :—“ I second the amendment, Sir.”

SRI R. SURYANARAYANA RAO :—“ Sir, with your permission, I shall deal with all the three amendments I have given notice of, namely :

(1) For the words “ on a linguistic basis ” the following shall be substituted :—

“ so as to make them homogeneous units based upon cultural, administrative and economic considerations.”

(2) For the words “ at the next sitting of its session ” the words “ at an early date ” shall be substituted.

(3) The portion beginning with “ and steps be taken . . . ” and ending with “ of the abovementioned Provinces ” shall be omitted.’

“ Sir, my task has been rendered very easy by the hon. the Mover of this resolution. In the course of his remarks he agreed that linguistic basis alone need not be the only consideration for the redistribution of Provinces. Administrative and economic considerations also should weigh. My first amendment is for the words ‘ on a linguistic basis ’ the following shall be substituted : ‘ so as to make them homogeneous units based upon cultural, administrative and economic considerations.’ Why I take objection to the word ‘ linguistic basis ’ is because I maintain people speaking one language need not have the same culture. I have in my mind, Sir, the districts from which I come. We may be speaking two different languages, Kanarese and Telugu but our culture is the same. It is a synthesis of Andhra and Karnatak.

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This is seen, Sir, in every day life, in my part of the country and it is so different from the real Andhra culture. Our festivals are different, the food we eat is different, even the way a person dresses is different. There are hardly any inter-marriages between our group of districts and those of the five districts of the Andhra. There may be few but generally we have remained apart and rightly too as our culture is different. Therefore, Sir, if provinces ought to be regrouped, they should be done so on cultural basis. Common language alone cannot be the basis.

"Then I come to the administrative side, Sir, and that is what is necessary from an administrative point of view. To manage a far off district of Bellary from Waltair which is 527 miles away does not conduce to administrative convenience, but it does conduce to administrative convenience to administer Bellary from Madras which is only 307 miles. Sir, what is administrative convenience? There should be contact between the different units forming a province and that is possible only by nearness, on account of easy means of access especially to the headquarters of the administration. Sir, talking of economic considerations I maintain it is not in the interests of my Andhra friends to have a separate province. I have collected some figures Sir, to show whether the Andhra Province including our unfortunate districts will ever be economically strong, not merely to carry on the day-to-day administration but to undertake measures of economics and social uplift. Creation of new provinces such as Andhra Province will result not only in increased expenditure, but also fragmentation of resources. I maintain, Sir, the Andhra Province will not be in a position to undertake schemes of developments. Take for example, Sir, the Ramapadasagar project. It costs about 110 crores nay perhaps much more and is it possible for the Andhra Province with all its assets to raise this amount to carry out that project? Even if it is possible, Sir, it is poor districts like our districts included in the Andhra Province that will suffer because all the money that the new province may be able to raise will have to be utilized in completing that huge project. What would be the fate of unfortunate districts like ours where a few crores of rupees are required for the economic development of those parts? Sir, if my Andhra friends feel that because of their association with the Tamilians that they suffer, I maintain, Sir, our suffering will be much more by our association with our Andhra friends because of lack of nearness, lack of common culture and contact and above all lack of ability to undertake schemes of development on a large scale. Under the circumstances what can we expect from the new Province, Sir? In any rearrangement in the future, I suggest that these factors may be taken into consideration, the cultural, the administrative and economic consideration. I was pleased to hear the Hon. the Leader of the House in a way agreed to this that when a division has to be made all these factors have to be taken into consideration.

"Then, Sir, my next amendment is for the words 'at the next sitting of its session' the words 'at an early date' shall be substituted. Unfortunately this resolution was given notice of long ago

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and so many sittings of the Constituent Assembly have come and gone and the next sitting is only to consider the draft bill of the Indian constitution. I have said "at an early date" for the same reason as that given by the Leader of the House. These things cannot be settled in a day. We will have to go into all facts and figures before a division is made of the Province taking into consideration the cultural, administrative and economic considerations. The division cannot be, Sir, made by an Order-in-Council as my Andhra friends are asking the Government of India to do. It is easy to pass an Order in Council but no Government worth its name will issue an Order in Council without taking all these facts. What efforts the Government of Madras have made to find out how these provinces should be set up taking into consideration the cultural, administrative and economic considerations? They have not made any nor have the Government of India. That is why I wish to substitute the words 'at an early date'. Let them take all these factors and come to a decision at an early date instead of saying 'tomorrow we should all divide Madras Province into four provinces'. Sir, as the Leader of the House said it is doubtful whether the Kerala and Karnataka Provinces can be included in this. I agree with him and it is very doubtful. It is doubtful whether Canarese sections of this province can satisfy the administrative and economic considerations involved in the formation of a Province because they are all scattered even in the Ceded districts. There are, if I may say so, groups of villages, taluks, in which Canarese is the language. How are they to be linked to the far off South Kanara? It is something just unimaginable and so Sir the Hon. the Mover of this resolution was perfectly justified in saying that is a matter that has to be looked into.

"Then, Sir, about Kerala. Of course so far as Kerala is concerned, Malabar is a single district and whether it would satisfy economic considerations and the question of administrative convenience in making one district into a province, are all matters which required to be examined. While I agree that the provinces that exist have grown without any rhyme or reason, some of them have become so unwieldy—not only this province but also others—that a re-distribution on administrative and economic considerations may be in the interests of the people comprising those province; but it should be done after very careful examination of all aspects of the question from all points of view, not merely because they happen to be speaking the same language in some parts.

"By means of the third amendment, I have proposed the omission of the words beginning with 'and steps be taken' to the end of the Resolution. What I propose should be omitted reads as follows:—

'and steps should be taken for enumerating the provinces of India on a linguistic basis and particularly Tamilnad, Kerala, Karnataka and Andhra as forming separate provinces under the new constitution and provision to be made for early appointment

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of a Boundary Commission or Commissions or other machinery suitable for the delimitation of the boundaries of the above-mentioned Provinces.'

'Enumeration' means that in the Government of India Act the Constituent Assembly is going to enact, they want the provinces to be mentioned in the schedule and that is possible only if all the steps that I have enumerated are taken and the material is ready and it is sifted and definite proposals are made by an impartial body of experts appointed for the purpose.

"With your permission, Mr. President, I would like to speak in general about the question of the division of the country. We have to-day the division of the country into Pakistan and the Indian Dominion and we have had the division of provinces into East Punjab and West Punjab and East Bengal and West Bengal. I want my friends who want a division without proper appreciation of facts to examine what the conditions are in the areas, apart from unfortunate political troubles. The economic and even administrative convenience which has a vital bearing on the question of division never entered into the picture. As the House knows, many believe that these divisions have been imposed upon them because certain sections of the people wanted Pakistan. I am sure the people of the Punjab never wanted that it should be divided and if they had not been divided, all that has happened would not have happened. Nor do I feel that the people of Bengal liked to have division but these two divisions had to be done on account of the creation of Pakistan. We have no idea of creating any other 'isthan' except my friend Mr. Ahamed Ibrahim's Moplahistan, with which none of us agree. The future of these new provinces is in the melting pot. Economically it is already reported they are poor and cannot sustain themselves without liberal aid from their centres. Why should we now when the Indian Dominion is faced with so many problems, when it is confronted with various questions, and when they are trying and struggling hard to solve them, when they are struggling to make a united Indian Dominion—and there are some who still dream of United India—I ask why should we confront them with these problems which are of no account but which are sure to prove sooner or later bugbears. Have we not got on in this province though we speak four or five languages? If one section in any part of the country has to complain that they have been neglected, it is Ceded districts; but we do not on that account ask for separation because we feel that in the new order of things, even backward areas like ours are bound to receive the attention they deserve. I feel that this resolution is untimely. It might have been all right before the 15th August; but after what has happened after the 15th August, to encourage, what I feel fissiparous tendencies, to divide people into groups and encourage sectarianism based either on language or culture or other considerations, is not in the interests of the Indian Dominion. This is not the time. The Resolution itself was given notice of by the Leader of the House long before August 15th; I do not know why this

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resolution has been brought forward again now in spite of what has happened since. In the present state of affairs, we should not encourage fissiparous tendencies. (Dr. V. K. John: You might oppose the resolution and make much of your grievances.) I can talk for any length of time especially concerning the grievances of the Ceded districts but I do not want to take up much time though my Hon. friend Dr. John is very anxious that I should oppose the resolution. As I said, I oppose this resolution on the division of this Province on linguistic basis but I am not against dividing the country on political and administrative grounds; but that will take time and there is no hurry that those provinces should be enumerated in the Schedule to the Government of India Act. So, Sir, my amendments are in consonance with the spirit underlying the speech of the Leader of the House, though for fear of offending people who are harping on division on linguistic basis, he has included Tamilnad, Kerala and Karnatak; but on the whole, his speech was conciliatory and it appreciated the difficulties that exist in dividing the country on a linguistic basis. With these words, I commend my amendments for the acceptance of the House."

SRI H. M. JAGANNATHAM :—" Mr. President, I second the amendments."

DR. V. K. JOHN :—" Mr. President, I oppose this motion with as much vehemence as I can command. The one predominant necessity to-day in the light of things, that have happened recently and might happen hereafter, is the unity of the people of the Indian Union and we must set our faces against all attempts that might be made for a division of the people on some ground or other. We have got independence on the 15th August 1947 and disruptive forces have been released along with that, the one disruptive force being the existence of autocratic Indian States and the other is the sharpening of communal conscience in the country. The autocracy of the Indian States will get liquidated in due course, if not in the very near future; but communal conscience has been sharpened to such an extent that we have not only a divided India but we have disruptive forces at work culminating in murder, eviction and forcible conversion of many millions of people in this country--disruptive forces which have marred the name of this country all the world over. Now we are trying to introduce another disruptive force in trying to divide this country into various linguistic areas. I realize that there has been a strong feeling in the Andhradesa and Tamilnad and even in Kerala, where people, uneducated people, uninformed people guided by the speeches of power politicians, telling them that if only linguistic provinces are constituted, they would be living in the Garden of Eden. The duty of leaders of public opinion is to see that they do not create this disruptive force and the people are not led away by it. Sir, without offending anybody here. I might point out that Mr. Muhammad Ali Jinnah organized the Muslims on the two-nation ideology and 80 to 90 million people accepted without reason the slogan that the Muslims are a different nation. A disruptive force was created

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and we yielded to it and divided the country not realizing fully that there are forty to forty-five millions of Muslims in the Indian Union and about 25 millions of non-Muslims in Pakistan and that the problem of communal minorities would remain unsolved in spite of the division of the country. That force was responsible for evacuations, forcible evictions and conversions and murders, arson and looting and this was followed by retaliation and millions of people have suffered on account of this disruptive force at work. The two-nation theory was preached by power politicians who had some object in view and it was accepted by the uninformed and unthinking people without considering whether it was good for the country or not; otherwise why should the Muslims in minority provinces like Madras accept the two-nation theory without knowing fully well that if it is stretched to its logical conclusions, it would not be in their interests?"

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" On a point of order, I wish to know if this question need be referred to on a debate on the formation of linguistic provinces."

MR. PRESIDENT :—" I think it is not quite necessary."

* DR. V. K. JOHN :—" I am going to show with reference to what has happened there, might as well happen in this Province by the creation of linguistic minorities."

MR. PRESIDENT :—" I would very earnestly request all hon. Members who wish to talk on this subject not to raise bogeys and create further trouble."

* DR. V. K. JOHN :—" I am pointing out to you, Sir, that it is now being realized by politicians that the two-nation theory must be given up; but they realized it only too late. Now, Sir, by the creation of linguistic provinces, we are creating a disruptive force; we are creating linguistic minorities; I am told there are 32 lakhs of Andhras in Tamilnad and there are a very large number of Malayalis in Tamilnad. The other day, I was in Ooty and I was told that seventy per cent of the inhabitants of the Nilgiri district are Malayalis and that about 50 per cent of the people in Coimbatore district are Malayalis and we have got Tamilians in Malabar. When people speaking different mother-tongues are distributed all over the country, if you want to create linguistic provinces, surely it will lead to another problem, namely, the problem of linguistic minorities. We cannot afford to create more disruptive forces in the country; not only you would have religious minorities but also linguistic minorities. There is yet another consideration. You can never have linguistic provinces in South India without liquidating the Indian States. There are nearly 10 million Andhras in Hyderabad State and once the principle is accepted, even before they get the linguistic province, surely they would agitate and see that their brethren in the Hyderabad State are added on to the Andhradesa. In the Tamilnad, except for a small State, they have nothing to worry about in that respect. But take Kerala;

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we, who have been born in Kerala will never be satisfied with one district or two districts but we would certainly wish to have Travancore and Cochin and unless you liquidate those two States, it is not possible to have a Kerala Province. I noticed the Hon. Dr. Rajan was luke-warm when he talked about Kerala and the Karnataka Province because he knows full well that these provinces can never be brought into existence for a very very long time, unless we liquidate not only Cochin and Travancore but also Mysore and get a portion of the Bombay Presidency. The idea of linguistic provinces is easily caught by the masses. They do not think about it deeply. As soon as Andhra Province is formed, you will find Rayalaseema agitating for separation. You will see disruptive forces at work. Before we divide ourselves into linguistic areas, let us struggle and strive for a united and strong country. Let me feel that I am an Indian first, Indian second and Indian last. The Hon. Minister said that the Congress is committed to linguistic provinces. I am one of those who have always supported the Congress, and have always looked upon their sacrifices and services with very great respect, though I do not belong to that party. The Congress has not yielded in one great matter, namely, the independence of this country. There they did not make any compromise. But on many other important matters, the Congress has made compromises. All our difficulties now are due to such compromises. It is said that conflict, compromise and caution are the characteristics of British legislation. The British people settled a conflict by compromise and caution. But the Congress in order to avoid a conflict has compromised without caution. There are many instances. The first and foremost is the compromise on the division of the country. They were not cautious, and we see the result. The second instance is, Sir, the minorities. Instead of asking the minorities to merge into the majority community, they are having reservation of seats for minorities. I say, this is a wrong compromise which the Congress is making. What the Congress should do is to make discrimination against a man on account of his birth—whether he be in a majority or in a minority—in a particular religion, an offence. Convict that person who makes a discrimination against the member of a minority community on account of his religion. The non-Brahmin movement was due to the fact that the majority was discriminated against by the minority. Let the discrimination go. Penalize it and let us all merge together. Ban every organization on a communal basis—whether it is Muslim League or Indian Christian or even non-Brahman Association if it is based on religion. Then only we shall have a united country, a strong and powerful nation. The Congress has not only compromised on this, it has also compromised on linguistic provinces. We are in trouble to-day on account of these compromises without caution. I say there should not be any compromise on this, because linguistic provinces would only lead to disruptive forces and linguistic minorities, and a time will come when you will get into conflict with Indian States in South India, because without the liquidation of the Indian States, linguistic

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provinces are impossible. This is not the time for linguistic provinces. I know there is great feeling in Andhradesa and now generally in Tamilnad and in Kerala also for the creation of linguistic provinces. This has been brought about by power politicians with certain ulterior objects, and not for the good government of the country. The hon. the Mover of the Resolution himself was conscious of this fact. He himself was doubting whether linguistic provinces at this stage might not affect the unity and the strength of this country. He might have moved this resolution reluctantly. I regret that he should have moved it, because he is a person who, in his public career, always stood against the current. But in this case, unfortunately, he has drifted and moved with the current."

* SRI P. VIRABHADRASWAMI :— Mr. President, Sir, I am glad that the hon. Dr. Rajan has moved this resolution. The resolution is very carefully worded, and it has the support of the Government. The demand for the formation of linguistic provinces has been a very old one and there has been practically a large amount of support for this theory throughout the Province. The demand is now insistent both in the press and on the platform. The agitation for the formation of linguistic provinces has been going on for a very long time. The people of the Province feel that there will be very good improvement in administration, and all-round improvement in education, culture and industry, if the province is divided into linguistic areas. Sir, coming now to the demand for the Andhra Province, I say, that there may be slight differences between the people of the Rayalaseema districts and other districts. Those differences are very small, and they can be ironed out if the leaders sit together. I am sure there will be perfect unanimity. There is already in the field Sir B. N. Rao's scheme which, with slight modifications, can be adopted. I know that the people will be happier and will be better in every way if provinces are formed on linguistic lines, and early action is taken by the Constituent Assembly as recommended in this resolution. I support the Resolution as it stands."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :— "The real thing, Sir, that lies behind this resolution is a good deal of sentiment, and that sentiment has in recent years been largely extended by the activities of the political leaders who cannot talk any other thing in their anxiety to get this ideal of linguistic provinces. I realize also that in the statement I am going to make I am very likely to offend the political leaders, both in Tamilnad and Andhradesa. I think the demand was only from Andhra districts within the last five years, and more particularly in the last three or four years, the demand has increased very much in the Tamilnad. I do not suggest that the Madras Province cannot be divided, and that there is no scope and need for a division of this Province. But I do feel and I take very strong exception to the fact that any division should be on linguistic basis. What I feel is that this linguistic division of this

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Province is likely to promote a deep and abiding division not merely in the areas concerned but in every single district and town. I know I am speaking with reference to facts in my possession. The Hon. the Leader of the House said that the Congress had decided on this linguistic provinces. May I respectfully tell him that it was one of the Himalayan blunders that have been committed by the Congress? I will repeat again that in saying that I am not speaking in a disparaging or offensive way. We do feel now more than ever that there have been Himalayan blunders committed in the past. It has been suggested that language is the most dominant factor in regard to culture. I should like to know for instance in what respect Mr. Jagannatham has anything more in common with, shall I say, my friend, who is not here, Mr. Govindachari, than he has in common with Mr. Sivashanmukham Pillai (the Hon. Speaker)? There are other countries where different languages have been spoken. In the small country of Switzerland, there are three languages, and the country itself has the use of the three languages as languages of the State, namely, Italian, French and German. And in the six universities of Switzerland, it has been laid down that at least two of these languages shall be taught to the students of that country. For instance, even in Canada, there are French-speaking people and English-speaking people. While there are many small dominions in Canada, none of these dominions are based on language. It is true that in one part, namely Quebec, the French-speaking people are dominant. In another part, the English-speaking people are dominant. So also, in South Africa you have got the Dutch, the Boers and the English-speaking people. There are two languages. I think it is fundamentally wrong for us to emphasize that linguistic differences must necessarily mean difference in culture or difference in understanding or sympathy. I feel also that whatever may be the consideration for the division of the Province into parts, we must not harp on this idea of linguistic division, because, as I said already, it will go deep into the division of the people for more reasons than one.

"Sir, the Hon. the Leader of the House has drafted this resolution, and this has been before this House for several months, and that is why I do not wish to take any exception to some of the statements made here, but I think all of us are agreed that after the 15th of August 1947 and the experience thereafter, to speak of Boundary Commissions is to imagine something that is entirely and unnecessarily to the detriment of the people. Do you realize what Boundary Commissions have made in the past? Do you realize what boundary limits mean? Let me refer to the speeches that have been reported in the Press. I stand subject to correction if I am wrong. Are you prepared to consider in what terms the Presidents of the Andhra Provincial Congress Committee and the Tamilnad Provincial Congress Committee have spoken? I know what is going to happen if a Boundary Commission is set up. I know that it is likely to give a decision which may be perfectly justifiable. A man like me will not question the Boundary Commission's decision, and I will accept the decision

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whatever that may be. But, Sir, among your own people, among your own political followers, there are people who have already made up their mind to defy the Boundary Commission's decisions if they do not meet with their wishes. I know what will happen. It will not be then 'Delhi chalo', but 'Madras chalo' will be the slogan. It will lead to a number of repercussions. It will lead to the launching of the Satyagraha movement, misunderstood by many and applied on occasions when it ought not to be applied. It will lead to picketing. It will lead to many disasters. I wish I were exaggerating in saying all this. But I wish to emphasize that even for a division, this is not the opportune time to divide the country into linguistic parts. Thirdly, Sir, at the present time, we have tremendous responsibilities both at the Centre and in the Provinces. We have not been able to face the responsibilities. It must be admitted. It may be nobody's fault, but it is true that to-day we have not been able to give the common man anything worth the name by which he can feel more than jubilant that after the 15th August 1947, as a citizen of a free India, he has got something more than he could have thought of. In fact, I am of opinion that before the 15th of August we lived in hope. We lived for great many things. The realization of the facts after the 15th August has been too dismal for the common man to feel elated. What is the freedom that he has obtained to-day? The four freedoms, about which so much was talked of in the past, he has obtained in a different manner from the one which he had contemplated. He has the freedom to starve, and he has the freedom to go about in rags—nature's own garb with nudity as its ultimate goal, and he has obtained the freedom to live under the canopy of heaven exposed to the sun and rain. Even within a furlong of this place, many such instances can be found. Unfortunately in other parts of the country, and fortunately so far in southern India, he has obtained the freedom to face death with equanimity unknown when he will die and unknown how he will die. Sir, that is the condition of affairs to-day. We have to take stock of this condition. My hon. Friend Mr. Suryanarayana Rao referred to it. But I feel that to-day there is an air of defiance of law in every possible respect. It is so much more in other provinces, but even in our own Province, there are groups, there are associations, and there are parties, actually trying to see that an ordered form of Government is not rendered possible. I know that this Government is taking every step in this matter, but at this vital period when you have got to re-organize yourself and to stabilize yourself, and to improve the lot of the common man, once the fissiparous tendency is introduced and the apple of discord is thrown into the body politic, I know what it will lead to. My friends of Rayalaseema may or may not be aggressive in their opposition. But, I know that a good many of them are frightened about this division at this particular juncture.

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"Sir, what this resolution wants us to do is that we should ask immediately the Constituent Assembly, at its very next session, as I understand the Leader of the House, to take up this

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question, and then and there, it should decide. If this resolution is carried to the Constituent Assembly, there are already members there, leaders of political parties, many of whom are leaders of eminence, who are actually trying to solicit the help and assistance of many members of the Constituent Assembly without knowing and appreciating all the facts of the case. That Constituent Assembly may come to the conclusion, as it comes to many other conclusions, constituted as it is at present, fortunately or unfortunately, that this should be done. But what about the people who have to bear the brunt of it? I entirely agree, and let there be no misunderstanding about that, that all these years the Andhra area had been very badly neglected and that Rayalaseema has of course been neglected worse. But, may I, in this connexion, say that it is not altogether correct to suggest that any single party was responsible. As a matter of fact, if you read the administration reports of this Presidency from the time of Montford Reforms down to this date, you will find that except for a period of five years, it was not the Tamils who were at the helm of affairs. It was the Raja of Panagal, Sir A. P. Patro, Sir K. V. Reddi, who formed the first Cabinet, and the other two in the second Cabinet, and then Mr. B. Muniswami Nayudu and the Raja of Bobbili for the next seven years, and then, except for a period of 2½ years, when Mr. C. Rajagopalachari was the Premier, and then too, we had Mr. T. Prakasam and Mr. V. V. Giri, two stalwarts in the Cabinet of the Government, and then in the Advisers' regime it was Sir S. V. Ramamurti who was at the helm of affairs—I am saying all this, for there is argument used by some, that the interests of the Andhra country were jeopardized simply because there were no Andhras there at the helm of affairs. I do not feel like a Tamilian, and I do not want to apologise, because I have never considered myself as a Tamilian. The bulk of my friends are Andhras, the bulk of the people with whose help I am what I am are Andhras; but I may say this: if you want to develop Andhra country, let us realize now before it is too late, that it can only be by feeling that we are all one solid united province for at least the next five or six years, because there are many projects you have, the Tungabhadra Project, the Ramapadasagar Project and other hydro-electric schemes, which otherwise you will have to bid good-bye. To-day, you have introduced prohibition. It is no use trying to go against the current. We are now drunk with prohibition and so we are unable to think out clearly what the finance of the country will be. We are intoxicated with the pleasure of having prohibition. On account of that, 17 crores will be lost to the Province. Now I ask, will any part of the Province be in a position to bear that burden, let alone the burden of building up progressive measures, the burden of co-ordination of day-to-day administration. As this is the time to press this fact and also take stock of the facts of the situation, I say, there is a good deal of sentiment imported into this question. I therefore venture to suggest if you can work in the spirit of a divided province, if you can, in your Cabinet, even in your legislature, without coming to

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the necessity of breaking heads—because on the question of boundaries, you will break your heads—my friend, Mr. Muthuranga Mudaliyar, I do not know whether he is going to speak, and if he does, it will be a powerful plea, he will go to the Seven Hills at Tirupathi (laughter) and say it should be the dividing line for the Tamilnad. On the other hand, my friends from the Andhra area say that as Madura was ruled by Andhras, Madura should be the proper boundary.

“ Sir, all this is not due to the agitation of the masses. Let us clearly understand that a few political leaders are anxious to get power in their hands. (Hear, hear.) It may be due to power politics, as Dr. John said. But I wish to say this: if they want to separate, let them work it out in spirit. If they want, let them have double the number of ministers; let there be a Cabinet of Andhra Ministers; let there be a Cabinet of Tamil Ministers; let the Andhra Ministers decide for the Andhra area, and let the Tamil Ministers decide for the Tamil area, and where they can agree to come to a joint conclusion let them join hands and do good for all the people. What we want is three simple things of life: something to eat; something to have for a life worth living by educating ourselves; and something to feel that we will not unnecessarily risk ourselves and risk generations to come. This resolution, if it is passed and if it is accepted, as it is bound to be, I suppose, will be the death-knell of peaceful progress in this Province. I would most earnestly appeal to the Leader of the House and to other hon. Members not to misunderstand the spirit in which we are offering our remarks, but pause, consider and take stock of the situation and wait for three years at least, if not for five years, and in the meantime get all the machinery and so shape it, so that when division comes we shall part as friends and be happy. If that is not done, the future of the Province will indeed be very gloomy.”

SRI S. B. ADITYAN:—“ Sir, I support the motion of the Government and oppose the amendment of Mr. Ahmed Ibrahim and Mr. Suryanarayana Rao. My reason for opposing the amendment is this: that the original resolution has been worded and has been drafted after great thought. It has been suggested in that resolution that linguistic basis is the only proper basis on which this Province can be divided. If you begin to take into account cultural or administrative convenience, you do not know what claims may be put forward. Thereby you will be opening the door to so many fantastic claims. Vague and uncertain considerations will be made the basis for exaggerated claims. As Dr. Lakshmanaswami Mudaliyar said, on the basis of history and culture it may be possible for the Andhras to claim Madura as part of the Andhra area. On the basis of culture, Bellary could be included in Tamilnad. I think this linguistic basis which is mentioned in this resolution can be worked out on mathematically accurate lines, and I think it is to be the basis for the boundary commission to proceed on. On this linguistic basis, as suggested in the resolution, certain results follow. For instance, it at once rules out the proposal put forward by Sir

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B. N. Rau. This resolution mentions not only Tamils and Andhras, but Keralas and Karnatakas also, but it does not suggest that Madras is to be constituted as a single province; and on that subject there is no provision in the resolution. Sir, when so much has been heard about Andhra Province, probably I may be excused if I say one word about Tamil Nad. My Andhra friends have very properly agitated for a province of their own. Some of them unfortunately believe as though there is opposition to it. I wish to assure on behalf of the people of Tamil Nad, that no such opposition exists and in fact they are only pushing an open door. Their claim is not opposed by Tamilians or by anybody else.

"On the question of Tamil Nad precious little has been said, and I make bold to mention a few words about it. The people of Tamil Nad are openly and definitely committed to a certain line of action from which it is impossible to withdraw at this stage. At the general meeting of the Tamil Nad Congress Committee held a few months ago a resolution was brought and passed unanimously opposing the suggestion that Madras should form a separate province. Decision was also made unanimously that the northern boundary of Tamil Nad Province should be drawn definitely on a linguistic basis, that is to say, Madras City should be included in the province of Tamil Nad. Since then, several meetings have been held in all districts from one end of Tamil Nad to the other, that is from Madras in the north to Tinnevely in the south, and resolutions have been passed time and again defining what should be the boundary of the proposed Tamil Nad Province. The claim made is strictly on linguistic basis and accordingly a line should be drawn as the northern boundary of the Tamil Nad Province which includes the City of Madras. Now, the northern boundary is not the only question in which the people of Tamil Nad have taken a decision. There is also this question; 'what should be the southern boundary of Tamil Nad?' For there are Tamil speaking people as far south as Cape Comorin."

MR. PRESIDENT :—"May I remind the hon. Member we are not a boundary commission. (Laughter.) I think the hon. Member may confine himself to the necessity for the division."

SRI S. B. ADITYAN :—"I submit here is a resolution which says that the province should be divided on a linguistic basis. What I wish to point out to the House is that by passing this resolution we are committing ourselves to a certain course of action, namely, make language the basis of division, and wherever the predominant language is Tamil, should form part of the Tamil Nad Province. What I am submitting to you, is, as this resolution says that language shall be the basis for division, the United Kerala Movement leaders claim a separate province on the basis of language, but when it comes to a question of boundary, they shift their basis and go on historical and cultural basis. I submit we are here giving a direction to the future boundary commission that language shall be the basis of demarcation, and I submit that if any direction to proceed on culture or religion or some other basis

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is given it will open the door to fantastic claims which cannot be substantiated. Language should be made the fundamental basis, as this resolution proposes to do, of division. Sir, I assure the House, the people of Tamil Nad do not claim an inch of land in which Tamilians are not predominant; nor will the people of Tamil Nad willingly give away an inch of territory in which Tamilians predominate."

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* SRI M. NARAYANA MENON :—" Mr. President, Sir, if I support the resolution moved by the Government I do so not on the ground mentioned by the Hon. the Leader of the House. I have one definite reason only and on that basis I support the resolution. Several things have been mentioned for supporting a resolution like this. It has been mentioned that there is a cultural distinction between the Andhras, the Tamils, the Malayalees and the Karnatakas. I do not accept that position. Up to the 15th August last we have been fighting for cultural unity from one end of India to another. After the 15th August, fortunately or unfortunately—fortunately for some and unfortunately for others—the country has become divided into Pakistan and India. But still the feeling remains that it ought not to have been done on account of the suffering that has been caused to very many of us though not in this place but in other places. Therefore, Sir, after the 15th August it is idle to talk of a cultural distinction between Tamil, Andhra and Malayalam. When we refer a matter to a pandit or a learned man, he will at once go to Puranas written in Tamil, Telugu or Sanskrit or Malayalam or Kanarese. All our ideas in these matters are derived from ancient books and there are certain static ideas in the society. I do not say we are not progressing. Where we are now progressing, it is due to our contact with the other nations of the world. At this time of day, what is the meaning of saying that Andhra must be separate from Tamil and so on? When there is no unitary Government for our province, I must part but I would be sorry to part from our Telugu friends. They remain far away from Malabar. I have been very friendly with them here. If this resolution is given effect to, it will have the effect of sending us away from each other. We may not meet together at all except probably in some matters concerning the Central Government."

MR. PRESIDENT :—" Is the hon. Member supporting or opposing the resolution? "

* SRI M. NARAYANA MENON :—" On all these points I am against the resolution. But there is one point on which I support the resolution and it will come last.

" Another point is that the division is proposed on a linguistic basis. Sir, if there are fundamental differences between the four languages I can understand division on a linguistic basis. With regard to the Tamils and the Malayalees, both of us understand each other. A Tamilian understands the Malayalee without much difficulty and a Malayalee understands the Tamilian without much

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difficulty. (Interruptions.) It may come through the nostrils or through the mouth, but when the ear hears it, the brain understands it. That is the important thing.

"Another thing was pointed out by Dr. John. If a division takes place on a linguistic basis, the position will be that if a Malayalee comes to Madras after that, he will be regarded simply as a Malayalee, a stranger with no rights whatsoever, and will have to depart silently to his own place which is not sufficient to contain him. Similarly if a Tamilian goes there he will meet with the same result. This division will create disharmony and separate one man from the other. That is not therefore a proper basis for division."

MR. PRESIDENT :—"Is it a second argument in favour of division?"

* SRI M. NARAYANA MENON :—"Therefore, Sir, if we divide on a linguistic basis there will always be trouble. There is Sanskrit which is not assimilated in Tamil because the language is not capable of pronouncing the Sanskrit words correctly, but Sanskrit words have been bodily incorporated in Telugu and Malayalam. Those languages have got suitable alphabets for this. It cannot be said on that account that Tamil is different from Telugu and Telugu is different from Malayalam. There is so much in common in all these languages.

"If there is one common language for the whole country, the administration will be carried on with great facility. The Indian Union should have a common language for its administration. It should be Hindustani or Hindi or Urdu. We are going to have one common language for the whole country. Why not the entire Presidency have a common language for administration from one and to the other? Therefore, I say, Sir, that the linguistic basis is not a proper basis for division. What is it then on which I support the resolution? Mere sentiment. For the last so many years we have been listening that the Andhras wanted to separate from Tamils. We, the Malayalees are insignificant in point of number and far away and so we have not been mentioned in this. It may be as pointed out by Dr. Sir Lakshmanaswami Mudaliyar, for a political reason, political discontent. That may be the reason for the claim of Andhra Desa to separate from Tamil Nad. For the last two years there has been some ill-feeling between the two brother countries—the Andhra Desa and Tamil Nad. There has been some sentiment and there may be division on the basis of the sentiment. When the country was divided into Pakistan and Indian Union, it was thought there would be peace, but the result is there is no peace now. I say, Sir, that if we have to separate here, we may separate not on the basis of difference in culture, or difference in language but only on the basis of sentiment. When two brothers quarrel and one of them wants to separate from the other, there will be a partition suit in which the question of division will be settled. On that basis I support the resolution and not on any other basis.

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" One other point I have to mention now. I am not speaking about the Boundary Commission. It will come later on. As regards Madras City, it is not a city fit for division. If there is any idea of . . . "

MR. PRESIDENT :—" Is it necessary to go into that point now? "

SRI M. NARAYANA MENON :—" With reference to the standpoint of Kerala, I would submit a word about it."

MR. PRESIDENT :—" Not about Madras which is a controversial subject."

SRI M. NARAYANA MENON :—" I am not going to have it divided. It is a matter of controversy. The Tamilians may require a portion and the Andhras may require a portion, but do not neglect to Keralites. Fortunately or unfortunately there are a very large number of Malayalees in the City and the census will show that our number is equal to that of the Andhras. If you are going to give any definite portion of the City to the Tamils and the Andhras, I do not claim any definite portion for the Malayalees. But what I say is: ' Keep the City common to everybody so that everybody can enjoy the capital city.' "

DR. V. K. JOHN :—" Why not leave it undivided to the Malayalees? "

* SRI M. NARAYANA MENON :—" I am not so selfish as that. Then, Sir, the fissiparous tendency that will be created by this division has been illustrated by my hon. Friend's amendment regarding the formation of Moplastan. Sir, if we take the language of Moplahs, they speak the same language as the other Malayalees. If we take culture, we have the same culture. Only the Moplahs have embraced Islam while the others belong to Hinduism, Christianity or Jainism. So that the only difference is difference in religion. And religion too has not affected the Moplahs of Malabar very much. In fact in North Malabar and in portions of Ponnani taluk, they follow the Marumakkatayam Law of inheritance and do not follow the injunctions of the Prophet with regard to inheritance. They have not absorbed the teachings of Islam to the extent to which Muslims in other places have done. They are not really distinct from us. Therefore any division of Moplahs from us as was done in the case of Punjab would give the same result. The Moplahs are not sufficiently educated, because probably on account of the economic conditions they have not come to the level of the Nairs or other communities. But they are inflammable on account of ignorance. They may be asked to fight a quarrel or rise in rebellion. All that can be avoided if we do not talk about Moplistan. After all what is Moplistan? It may be a small portion of the country in which probably there are a few more Moplahs than those of other communities. If we are 90 people, the Moplahs may be 100 in number there. On that

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basis this amendment should not have been brought forward here. I therefore request my hon. Friend to drop it for the sake of peace in Malabar. Let there be no more fight between Moplah and Nair and other communities. That is so far as Moplistan is concerned. Suppose a Moplistan is created. It will not live for three months, on account of its poor economic conditions. Therefore the idea must be dropped.

"Then, Sir, one word with regard to South Kanara."

MR. PRESIDENT :—"Nobody has said anything about South Kanara."

* SRI M. NARAYANA MENON :—"Sir, I have stated my views for the resolution and against the resolution. I do not support the resolution on the grounds relied on by the Hon. the Leader of the House. But I have supported the resolution on the ground that we may have peace in the land if there is a division among ourselves on the basis of sentiment."

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p.m.

* SRI K. NATARAJAN :—"Mr. President, Sir, I rise to support the resolution. I confess I am not very much impressed with the arguments against the resolution which were so ably advanced by my hon. Friends Mr. Lakshmanaswami Mudaliyar, Mr. Suryanarayana Rao and Dr. John. We, as legislators, have to take into account the spirit of the times and the notions prevailing among the public. It has been said politicians have put forward these ideas before the public and some of the public swallowed them without thinking about the pros and cons. I put it in a euphemistic manner devoid of all vehemence. It has also been said that the Congress has committed many Himalayan blunders and that the yielding of the Congress to the division of India was a Himalayan blunder. I only want the gentlemen who say so to picture to themselves what would have been the state of affairs if the Congress, after such a long agitation for a united India, had not yielded. They yielded only as compromise to avoid further disputes, recriminations and abuse of each other. If the Congress had not adopted that compromising attitude, the state of affairs would have been much worse and more unbearable than what it is at the present time. Division has taken place, and some disturbances are taking place. But they are temporary and are sure to subside. I do not at all subscribe to the view that some power politicians want to create the division into Andhra Province, Tamil Province, etc. I suppose the feeling was so very strong in those parts that they had to be the mouthpiece of public opinion. There is an insistent feeling in some parts of this province that there should be an Andhra Province, a Tamil Province and some other provinces. All those who do not accept the existence of such a feeling are at liberty to put forward the opposite views. But there is a large volume of public opinion in favour of the linguistic division of the provinces. The feeling for division in Kerala and South Kanara may not be so very intense and articulate now, but it is sure to come into more and more prominence. Are we to go on without respecting that

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feeling, and ignoring public opinion and saying that we will be united? I think it is not diplomatic; it is not statesmanship. We will have to respond to the feeling of the people. If that is admitted, what is the best way of satisfying that feeling? I cannot conceive of any other division of the province than the linguistic division.

“ In this connection, I would like to deal with the amendments moved by my hon. friend Mr. Suryanarayana Rao. He says that the division must be not only linguistic, but also cultural, administrative and economic. What is culture? I do not want the dictionary definition. If there is a different civilization, then you may say that there is a different culture. Can you for a moment believe that there is a different civilization between the people of Andhra, Kerala and Tamilnad? I am only putting forward points for consideration; I do not want to expatiate on them. I, for one, do not think that there is any difference in civilization between the people of Andhra, Kerala, Tamilnad, etc. Take religion. Religion is certainly not a basis for division. There are Muslims, Christians and others in Tamilnad, Andhradesa and everywhere. Among them there is no distinction on the ground of religion. There is distinction only on the ground of language. Another test for knowing whether the people follow a different culture is the laws that govern them. Except for a few small laws based upon local customs and usage, the laws are generally uniform. Of course there is difference in the Law of Succession. Here again, there is no difference in culture or nationality. So far as the Muhammadan Law is concerned, it does not make any difference in culture. Customs also are not very different now, and they do not differentiate one community from the other. That is only my view and I want you to think over it. My hon. friend Mr. Suryanarayana Rao referred to in passing and not as a main argument in support of his case to the effect that inter-marriages do not take place between the Karnatakas and the Telugus in the Andhra districts. There are several communities between whom inter-marriages do not take place. That does not at all point to a different culture. As regards education, the literature is the same, though the language may be different. Literature points to the same civilization. So far as education, customs and manners, and civilization are concerned, I beg to submit that there is no difference in culture, and therefore there cannot be a division of the province on the basis of culture. These differences being out of the field, the only basis that remains is the linguistic basis.

“ By administrative considerations is probably meant that the people to be governed are far away from Madras. Are not the Central Government, with headquarters miles and miles away, carrying on the administration of the country? Is not Tanjore distant from Madras and Tirunelveli more distant? Is not administration carried on there? That again does not seem to be a proper basis for division.

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“ As regards economic considerations, there are economic differences between one group of districts and another, between district and district, and in some cases between taluk and taluk. Even in Tamilnad, only one district is surplus in food, and the other districts are not. To advance that as a basis for division will result in each economic unit, big or small, being constituted into a separate province. Therefore that cannot also be the basis.

“ As I said, people in the helm of affairs in the Government have to take note of the feeling of the people. They cannot say ‘You are talking something which is not palatable to us; therefore we will ignore.’ What does the resolution say? It only recommends to the Government to convey to the Constituent Assembly the opinion of this Council that the future constitution should be determined on this basis. As you, Mr. President, rightly said, there is time enough for the matter being gone into by a boundary commission and decided later on. Of course, a boundary commission must sit. What is the meaning in saying that there is no necessity for it? It may lead to disputes. But disputes are only temporary and evanescent. It is only after disputes and quarrels that we can come to a settlement. There is no use of putting a carpet over all these differences and saying that we can tackle them. We must solve them and we must guard against further differences and complications arising. Compromise is always essential on the part of a politician or statesman. Obstinacy on his part will only spell ruin to the country. Of course, I agree that everybody must be united. But can you accomplish it? We have to take note of the feeling, and there is no use of being blind to it. Therefore I support the resolution, but not on the ground of sentiment which was put in the forefront by some of my hon. friends, and I beg this House to adopt it unanimously.”

SRI N. RANGA REDDI :—“ Mr. President, while speaking on this resolution, I would like to express not only my personal views, but also the views of the people.”

MR. PRESIDENT :—“ Before the hon. member proceeds further, I would like to know for how long this House will like to sit to-day. Many members are anxious to speak, and I would like to put a time-limit for speeches if necessary.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ I submit that for to-morrow's agenda, we can say ‘Business left over from the agenda of the 20th.’ ”

MR. PRESIDENT :—“ That cannot be done. There are other important items of business for to-morrow. I hope we will not go beyond 5-30 p.m.”

* **SRI N. RANGA REDDI** :—“ The formation of linguistic provinces has been accepted as a creed of the Congress party. I think no one will quarrel with this proposition. But I submit that this is a proposition which has been enunciated some twenty years ago, and much water has flown under the bridge since then.

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As many hon. members have said, 15th of August is a very memorable date and we have to revise many of our opinions which we formed before the 15th of August. We will have to consider whether the present time is opportune for the formation of new linguistic provinces immediately. It may be that at some future date, the formation of linguistic provinces may be convenient, feasible and in the interests of the people.

4-45
p.m.

"What we are concerned is the formation of the four linguistic provinces as mentioned in this resolution which it says is a matter of immediate necessity. (An hon. member: 'Are you opposing or supporting the resolution?'). I am not opposing the resolution, Sir. As I have already said, I have got a very difficult duty to perform in speaking about this resolution, though my speech might be characterised as one of irresponsible responsibility. Anyhow, it is a difficult task for me to perform."

MR. PRESIDENT:—"You can also avoid it, if you feel it so difficult." (Laughter.)

* SRI N. RANGA REDDI:—"As a representative of the Rayalaseema in this House, I am bound to express the views of many associations which have been communicated to me on this matter and I am therefore placing those views before this House in the course of the discussion.

"No doubt, as the hon. President knows, I have to perform many unpleasant tasks, but that does not matter. In moving this resolution the hon. the Leader of the House said that there has been no opposition to the formation of linguistic provinces throughout the Province and I should like to know whether he included the districts known as Rayalaseema when he made that statement."

THE HON. DR. T. S. S. RAJAN:—"I did not exclude it, Sir."

SRI N. RANGA REDDI:—"Sir, the House is aware that what is called the Rayalaseema comprises five districts, namely, Kurnool, Cuddapah, Bellary, Anantapur and Chittoor districts and the question of making the Rayalaseema a separate entity from the economic point of view has been seriously engaging the minds of its leaders. I may submit to the House that as early as 1937 the then Premier, Mr. C. Rajagopalachari when introducing his budget for that year said that he was going to put forward certain suggestions for the improvement of Rayalaseema. The Government themselves then realized that for the economic improvement of the Rayalaseema, it needed some special protective measures. I may submit, Sir, that the people in Rayalaseema have already seen what is called the Andhra Province in action.

"Sir, even in regard to educational facilities the people of Rayalaseema have been suffering under a severe handicap. Even in the City of Madras where seats in colleges are allotted on a linguistic basis, most of them have been monopolised by students coming from the coastal districts to the detriment of the students

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from the Rayalaseema districts. Sir, this House is aware that educational facilities for the students of Rayalaseema are few and far between and when the proposal for the formation of a separate Andhra Province matures and comes into being and when the question of merit is also added on to it, then the people of Rayalaseema will be nowhere and they cannot get any benefit at all by the formation of a separate Andhra Province. Sir, I know that this formation of separate linguistic provinces is urged in the interests of administration and on the plea that particular localities will be greatly benefited. But it is equally feared that people in certain particular tracts will not get any benefit at all and that it will not at all improve their condition. I submit, Sir, that this matter should be taken into serious consideration. It is no doubt true that the opinion against the formation of linguistic provinces was not so strong and not so vocal some years back. But I would submit that of late this opinion against the immediate formation of an 'Andhra' Province is also getting more vocal and stronger. I may inform the House that in a few days' time, that is on the 25th and 26th of this month a Rayalaseema Conference is going to be held in Nandyal to express its opinion on the formation of the Andhra Province. Whatever it is, I may state, Sir, that the Rayalaseema Conference has met a number of times during the last five or six years—it is an annual conference—and it has said that the economic development of the ceded districts should precede the formation of the Andhra Province and then only should the question of linguistic provinces be considered. Otherwise the people of Rayalaseema would go to the wall. But if it is considered absolutely necessary that the Andhra Province should be immediately formed, then I may also submit that certain safeguards should be provided in the statute itself which makes the Andhra Province."

MR. PRESIDENT:—"Whatever your difficulty is in this matter, I find that it is difficult for the House to follow you. May I know whether you are supporting the resolution or opposing it?"

* SRI N. RANGA REDDI:—"I am supporting it in one sense Sir, but I am also expressing the views of the people of Rayalaseema in another sense. After all the opinion of the House as a whole is going to prevail and when I place all these facts before the House, it is for the members of the House to come to some particular conclusion. It is only in that light I am speaking."

MR. PRESIDENT:—"The hon. Dr. Sir A. Lakshmanaswami Mudaliyar while speaking about the neglect of the Rayalaseema districts and also about the state of the Andhra districts, said that all these years, i.e., from the year 1920 onwards it was the Andhra Chief Ministers that were at the helm of affairs and if there had been any neglect, the whole responsibility and blame should be laid at the doors of those people."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"On a point of personal explanation, Mr. President, I never said anything of that sort. I only mentioned that though there were many

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Andhra Chief Ministers, circumstances beyond their control were probably responsible for the neglect of those areas. I never said that they were responsible and I have no intention of casting any reflection on them and I can never speak anything derogatory to them, because I know that both the Raja of Panagal and Mr. B. Muniswami Nayudu were staunch Rayalaseemites."

* SRI N. RANGA REDDI :—" Sir, this additional statement made by the hon. doctor only strengthens my position that there should be some safeguards for the Rayalaseema in the formation of the Andhra Province. If, as the hon. Dr. Sir. A. Lakshmanaswami Mudaliyar says, those gentlemen who were at the helm of affairs, who were themselves Rayalaseemites and were interested in the development of Rayalaseema had not been able to do anything for the improvement of the same, then I can only submit that there must be something inherently wrong somewhere. Perhaps some forces might have been at work which prevented them from doing their best for the improvement of the Rayalaseema and that is why I submit that there should be some special safeguards or some special provisions for the development of this backward area in the statute itself.

" I should like to mention one other thing, Sir, in this connexion. The Andhra public are probably aware of what is called Sri Bagh Pact which was brought into existence in 1937 itself, that in the formation of the Ministry, half the number of ministers that is allotted to the Andhra districts should go to Rayalaseema. In 1937 the Hon. Sri T. Prakasam was in the Ministry and not one minister was appointed from the Rayalaseema."

MR. PRESIDENT :—" The Hon. Member will certainly excuse me when I say that he is straying away from the point. I should like to know whether he is supporting the general division of the Province on a linguistic basis or opposing the resolution? "

* SRI N. RANGA REDDI :—" I am certainly supporting the resolution, Sir, but I want that certain safeguards should be provided for Rayalaseema in the proposed Andhra Province constitution."

MR. PRESIDENT :—" Those safeguards may come later. We are now discussing only the general resolution relating to the division of provinces on a linguistic basis."

* SRI N. RANGA REDDI :—" Sir, I was saying that in 1937 no ministers were appointed from Rayalaseema and in 1946 also, when the Hon. Sri T. Prakasam became the Premier, he too could not give half the number of Andhra Ministers to Rayalaseema. I therefore submit, Sir, that it is absolutely necessary that there should be some safeguards for protecting the interests of Rayalaseema; otherwise Rayalaseema will go to the wall. It will have no place in this Province.

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“ With regard to educational facilities also, I may submit that even though there are most convenient and suitable places in Rayalaseema for starting an Agricultural College, it was started only at Bapatla. Even the Syndicate of the Andhra University had recommended that the Agricultural College should be started either at Adoni or at Hagari. But Mr. S. V. Ramamurti who was then at the head of affairs in the Province had started that at Bapatla. I am only submitting these things for the consideration of the House to show that there is no mutual trust between the people of Rayalaseema and the people of the coastal districts. If trust is to be established, some safeguards will have to be provided in the statute itself. It is only then that this formation of the Andhra Province will be welcomed.

“ Finally Sir, as the Hon. Mover himself said, it is a matter for consideration whether we should go on bifurcating this country into smaller provinces. As this resolution says that a redistribution of the Provinces on a linguistic basis is a necessary requisite for the framing of a constitution for India, there are some people in Rayalaseema who urge that a separate Rayalaseema Province should also be formed. However, we do not propose to press that question now. We can go in for a separate Rayalaseema Province later on. However, I submit, Sir, that there may not be any end at all for the formation of separate provinces. Times have changed and all that we should see now is that there is greater unity between people and people and between province and province, and that the differences that exist between one province and another and between one part of the country and another are abolished. It is very likely that we may create more differences by creating more provinces. These are points, Sir, which I should like the House to take into consideration in expressing its opinion on the formation of new linguistic provinces.”

SRI B. NARAYANASWAMI NAYUDU :—“ Mr. President, I do not want to touch any of the controversial matters, but I want to say a few points underlying this resolution. As I think, Sir, this is only a resolution recommending the division of provinces on a linguistic basis. We must take relevant facts into consideration in determining this question. What must have inspired the Congress in coming to this decision to divide the provinces according to linguistic areas is not really a question of language, but it is really a question of principle, the principle of nationalism. Sir, it was the same principle of nationalism that was sought to be established at the Peace Conference at Versailles. It said ‘ Europe must be divided into several nations and states ’. What followed? Empires were then divided and several nations and states came into being. The Germanic Empire was divided into two nations, the Slav and the Polish nation. The Austro-Hungarian Empire divided itself into many nations and the Turkish Empire also which contained a mixed population of European and Asiatic races came to be divided into several states

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But did these lead to any national revival? National sentiment was first of all against the Turkish Empire. It separated the Italians from Austria and Austria-Hungary. It was the misdeeds of national sentiment, it was the insurrection of the national state that was responsible for the great conflagration of Europe in 1914. And you may remember that it was President Wilson who started this question of national state at that time.

" Similarly, everybody here in India is now talking about Indian civilization, Indian culture, Indian religion and so on. I may remind you here, also that in Europe there is only one common religion and faith, namely the Christian religion and Christian faith and one common civilization, namely the Christian civilization. Christianity contains diverse people, and diverse nations; there is the underlying unity among them, namely, that they all belong to the Christian faith. Similarly here in India we too have a similar civilization; it was an Indian civilization hitherto, but hereafter we must call it the Hindu civilization. We have got a concurrent underlying idea of a civilization common to all. But that does not and should not blind us to the fact that there are also national aspirations in this country just as there are also national aspirations in Europe.

5 p.m.

" The next fundamental fact you must remember is what has happened by the events of August 15th. From August 15th this administrative Indian Empire has become two independent sovereign states, namely, Pakistan and the Indian Dominion. Then we have got the rulers of also the several States. Now therefore we have come to the position when India will have the perpetual problem of maintaining the sovereign status that has been granted to us; that also in the face of the several States that will be exercising their sovereignty. But there is one relieving feature. And there also we have to judge it sincerely and correctly. There is no doubt that what may be called the All-India central power in so far as the Indian Union is concerned consists of several units who are sovereign bodies. Now therefore the principle of nationalism which is now to be applied is not so much to create what may be called sovereign states. Therefore the fear expressed by my Hon. Friend Mr. Lakshmanaswami Mudalivar and others that there will be war again may be justified with regard to the relations between Pakistan and India but such fear cannot be justified with regard to the constituents of the Indian Union.

" Then we have to discuss when we have the administrative frame work of the central power is it not desirable that economically there should be separation units. That was why when the central power was created it was created with only three common subjects, namely, Defence, Foreign Affairs and Communications. The rest were intended to devolve on the units comprising it. But the tendency now is to make this Federal Government more unitary and thus destroy local patriotism and local nationalism. This will unbalance all the several factors.

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The vitality of the State will depend on its strength but the continuation of the Provinces within the frame work will not lead to strength but on the other hand lead to immolation. There is no question about it.

“Whether it is a unitary or a federal Government the separation of provinces on a linguistic basis is very necessary. A national Government established in the southern provinces will be to the growth of a military power that cannot be ignored. Are you going to mix armies of all races? Will it not be more to the efficiency of the army that the several units should be based on language lines and on cultural lines? When the Congress said that there should be what may be called provinces on a language basis it really decided that the several nationalities within the frame work of the Indian Dominion shall enjoy independence consistent with the maintenance of unity in all India matters. There is no question of bloodshed. There may be bloodshed between Pakistan and Hindustan but I cannot understand bloodshed with regard to the several sister units.

“Sir, I think the question of Rayalaseema does not arise here. When the province is constituted what safeguards should be afforded, could be discussed and adopted and they can be fought for. Don't think that you can bargain for or get a thing by begging. You have fought for the Andhra Desa and you belong to the Andhra. Don't you? That is why my Hon. Friend was hesitating to say whether he will support this or not. Because of nationalist principles he cannot oppose it. Of course there are economic interests and he said 'I want so and so terms.' Terms you can have but not as to harm the claims of nationalism. You cannot say: "I do not want to be an Andhra."

THE HON. SRI K. MADHAVA MENON :—“I want to speak only on one point, Sir. Of course, I support the resolution and I agree with the sentiments expressed by Mr. B. Narayanaswami Nayudu. But in making remarks or suggestions in this matter I should think that we should have a sense of our responsibility and see the reality in these matters.

“I want to speak about the amendment of my Hon. Friend Mr. Ibrahim Sahib about Moplastan in Malabar. Sir, it should not have been so very lightly said about Moplastan in Malabar without thinking of the serious consequences of creating feelings and sentiments which it is very very dangerous to start in a place like Malabar. Mr. Ibrahim may not feel the danger of it. As one who has lived in Malabar under certain circumstances I know that the question of Moplastan should not be so easily spoken of—if he will not be offended with me, in such a flippant way. He gave figures for the Moplastan. He said that one-third of the population of Malabar were Moplas. Then why not have a Moplastan? Yes, Sir, in a population of over 40 lakhs there are about 13 lakhs of Moplas in Malabar. But I ask: Does he know

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the conditions of the villages and the conditions of the taluks in Malabar. Out of the nine taluks only in one taluk there are 60 per cent of Muslims and 40 per cent are Hindus. In all the other eight taluks they are in a very very hopeless minority. What he wants is that out of the 5½ lakhs of the Muslim population in Ernad taluk, where he has got 60 per cent Moplas in the majority, in a taluk like this, he wants to establish Moplastan and he wants to bring in all the consequences that Pakistan has brought in northern India. . . ."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" My Hon. Friend is wrong Sir, in saying that. It is going to be in the Indian Union if it is established and it will continue within the frame work of the Indian Dominion. There is an agitation for it, now."

* THE HON. SRI K. MADHAVA MENON :—" There is little agitation in Malabar I know, Sir. In the minds of certain people here there is this agitation and they want to create trouble there and I am sure that the hon. Gentleman who seconded did not say that there was an agitation. My hon. friend says that it should be a constituent unit and we know what constituent units are with the experience of the Junagadh. I am only feeling that the statement that the Moplas want Moplastan is absolutely unfounded and statements like that should not have been made so easily when communal feelings are so strong and we have seen the dangers of it everywhere."

MR. PRESIDENT :—" Does the Hon. Member Mr. Muthuranga Mudaliyar want to speak? "

* SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, I have not hitherto made up my mind to speak though I was called for by Mr. Lakshmanaswami Mudaliyar. But having been accosted by the President I now wish to join in the discussion."

MR. PRESIDENT :—" The Leader of the House was pleading for you and so I thought that I should give you a chance if you would like to speak. Somehow you act as a great irritant to those gentlemen on this side."

SRI C. N. MUTHURANGA MUDALIYAR :—" Such chances are given also to others, Sir, I rise to support this resolution so modestly moved by the Leader of the House. Much was said on different points by my Friend Mr. Lakshmanaswami Mudaliyar, the Vice-Chancellor of the Madras University. He has doubted whether I would speak and what I would speak. Sir, there is no difference. I really support this resolution. I have been all along for linguistic provinces. My hon. Friend, Mr. Lakshmanaswami Mudaliyar was saying that the question of linguistic provinces was agitating the minds of the Andhras and not so much the Tamils and the Tamils have started only recently. No, Sir.

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The question of the separation of provinces on a linguistic basis was started by the Tamils as early as it was started by the Andhras. The Tamils were also wanting a Tamil Province. Then it was said that linguistic provinces would lead to separatism and all that. There is no such desire. We all want the separate linguistic provinces to be tacked on to the Union Centre. Of course, there is a movement in the Tamilnad for a Dravidastan. The Dravidastan movement has a separatist tendency; it does not want to have anything to do with the Centre. But our Tamil Province movement is not like that. We want linguistic provinces. Of course, my hon. Friend Mr. Lakshmanaswami Mudaliyar cannot understand our desire to have linguistic provinces. He is a gentleman born in Tamilnad. His education was in Telugu country, the Andhra Desa. He is neither proficient in Tamil nor proficient in Telugu. He has been soaked in the English language and he is a thorough orator in the language. He has been gloating over his ability in the foreign tongue. He cannot understand our national temperament to have linguistic province or the desire to talk in our regional language. All these things he cannot understand. That is the difference between him and me. He cannot understand or speak in Tamil. Even now when I was about to speak on the linguistic provinces I had a great desire to talk in my mother-tongue but I did not do so only because I may not be understood by Mr. Lakshmanaswami Mudaliyar. (Laughter.) That is the reason. Mr. Lakshmanaswami Mudaliyar referred to Himalayan blunders that the Congress has committed these twenty years. Of course it is easy for him to say so. He is not the originator of the phrase. It is our great Leader Mahatma Gandhi, who has originated that phrase 'Himalayan blunder.' He was the first to say 'I have committed Himalayan blunders.'

MR. PRESIDENT:—"I do not think Himalaya itself is a blunder."

* SRI C. N. MUTHURANGA MUDALIYAR:—"Himalaya is a blunder because from the very bottom of the soil it has risen up to such great heights. That may be a blunder. Mahatma Gandhi has stated that he has committed Himalayan blunders. It is easy for us common mortals to repeat what he has said. But for the Himalayan blunders committed by the Congress, this August 15th would not have come and India would not have become independent. Perhaps Dr. Lakshmanaswami Mudaliyar was not anxious for such independence which has resulted in such huge destruction of the people of the country, but that is inevitable. Every country which was slaving under foreign domination fought for its independence and gained it not by the means we have achieved, i.e., non-violently, but by violent methods. Lots of lives have been destroyed in the course of the achievement of independence by other countries, but comparatively very little destruction has been done in our country for the achievement of

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independence. Of course in this transition period such things are likely to happen, but after some time they will disappear. We should not worry over it; independent India will have a common centre and we in the linguistic provinces will all be subordinate to that centre, and we will not suffer for being separated. If the Madras Presidency is divided into four linguistic provinces, we won't quarrel amongst ourselves on that account; we will still be friends and there will be healthy development in every respect. Where is the difficulty? Somebody said that in every district these quarrels will arise between the Tamils and the Telugus. True, in every district of the Tamil Nad, there are 10 to 15 per cent of Telugu people—I do not call them Andhras; they have been resident in Tamil Nad for ages together; they have been friendly with us all through; they are allowed to read their own Telugu literature, and they are also themselves reading the Tamil literature. They are all friends with us; we mix together in the Tamil platform and we make no difference. I think Telugu-speaking people from the Tamil Nad have also taken to the political field and have come into the Legislature, the local bodies, etc. So, there is no difficulty. There is of course one difficulty; it was said that when the Boundary Commission comes, there will be trouble. But if we give up some of our sentimentalism, there will be no difficulty. An impartial Boundary Commission set up by us will go into the matter thoroughly and see which areas are predominantly Tamil majority areas and which areas are predominantly Telugu majority areas. We shall abide by their decision. An hon. friend here no doubt referred to Sir B. N. Rao's Committee's decision of Madras City being made into a separate province, and he said that with some modification that can be attempted. Sir, it is a legacy left by the Advisers Mr. Austin and Mr. Strathie; those were the people who gave the parting shot as it were to the Madras City on the eve of their departure from this country and they wanted a Chief Commissioner's province for the Madras City, perhaps to be ruled by their successors, the Europeans. Those gentlemen have now gone out bag and baggage, and there is no need for a Chief Commissioner's province with an English Chief Commissioner, in Madras. Our Andhra friends will do well not to agitate in this respect or take up the slogan left by Messrs. Austin and Strathie or the slogan of the B. N. Rao's Committee report. If the Boundary Commission settles that the Madras City is predominantly Andhra, then by all means let it be given to the Telugus or if it settles that it is predominantly Tamil, let it go to the Tamils—I do not mind it. But only a Boundary Commission can do that, and we must place our confidence in the settlement of this question by that Commission. I do not want, Sir, to take up more of your time; I support this resolution."

THE HON. DR. T. S. S. RAJAN :—" Sir, I thank the House for the very valuable discussion we have had on this resolution. I could see very well that it was beyond the spirit of our ordinary

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discussions; I do not think the discussion revealed anything of which one need be ashamed. The resolution was well-discussed and the very many points brought forward during the discussion is worthy of the high level at which debate is being conducted here.

" I am sorry that some motives were attributed to me, that I was not sincere in handling this proposition. I regret it; I must confess that I was never more sincere in moving a resolution than I was when I did this, and whatever may be the difficulties I gave expression to—and they are very genuine—they do not in any way diminish my desire or my stand for an Andhra province. The questions of a Malayalam province and a Karnataka province are questions not relevant to this discussion. There are many difficulties and those who talk about the formation of those provinces do also realize, I think, that there are difficulties and that their case is not so easy as is the case of the Andhra province. The fact remains that there are two distinct linguistic big provinces within the present Madras province, both culturally as well as administratively capable of standing on their own legs, capable of being divided, with the result that there will be no weakness either for the one province or for the other. As far as the agitation for a Tamil province is concerned, I may say this: As one who was born and bred up in the Tamil land, I know the Tamil feeling has never been one of jealousy or rancour. The characteristic of the Tamilian is this; that he is not very violent in his approach to a problem which requires consideration. In fact, he is always very sober, perhaps too sober in considering a question. His contact with Telugu has been there for generations and that is proved by the cosmopolitan mind of the Tamil who is always willing to accommodate anybody who comes to him, treat him well and make him share with him all the joys and sorrows. But that does not mean there is no need for a separate Tamil province, if one is required or wanted by the people of the Tamil Nad. For instance, take the question of Tamil literature. The Madras University does certainly suffer to an extent because it is not entirely Tamil or entirely Andhra. If it were entirely Tamil, I think the development of Tamil literature and Tamil culture would certainly have been more marked than we have found in the past. I know the Madras University is doing its share of work for Tamil, but my contention is that it would have been much better and much stronger if influence had been brought to bear on educational institutions to give importance to methods which would represent the culture of the people residing in the province. Not that I am sorry for it, because I know even in a cosmopolitan city like Madras we have learnt the art of recognizing the merit of other people, with culture better than ours. So, it means this: that there can be a beautiful blend of Andhra and Tamil culture and they can both meet together in the City of Madras and share the merits equally,

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apart from any other consideration. I am also aware that there are political motives behind this division. However, I for one do not share those political motives. I do concede to my Andhra friends that they are genuine in their desire for a province of their own, and they feel about it very strongly. I do not however know whether the Tamilian friends feel as strongly as the Andhras in this matter; but I may say this, that if the Andhras want a province for themselves, I would certainly like them to go away, and the Tamil people won't stand in their way. The Tamils also would certainly like to have their own province if the Andhras would like to have theirs. That is not a point I am worried about. I am more worried about the dangers which have been brought to our notice by Dr. Lakshmanaswami Mudaliyar. I cannot subscribe to the statement that the Tamils and Telugus will begin to fight as people in Northern India are doing to-day. My own feeling is that we will never fight; our cultural temperament is such is that perhaps beyond a few harsh words passing between individuals, nothing like a national conflict of the type that is disgracing humanity in Northern India will ever happen in the south, in Madras or any district in this province, for the matter of that. I am perfectly certain of that; I may be a false prophet, but still, from the trend of events in the past, from past history, from the way in which society has developed in this province, I can fairly assert that such a catastrophe will not at any time overtake us in the south. The fact that we in the south have been able to avoid the conflict that we see in the north and that we have even been able to offer asylum to many refugees that come down here from the north, who have been victims to the ravages that have happened there, proves the fact that we know how to accommodate the people who differ from us and yet at the same time know the common things which conduce to human welfare. Therefore, I am not in the least worried at the prospect of an Andhra province coming into existence. We subscribe, and the Congress subscribes to the policy that linguistic provinces are certainly welcome. But by what means are they to be brought into being is a matter for discussion. Whether the principle contained in this resolution is one which is acceptable to the people of this province, both Andhra and Tamil, is the point on which I am particular; and therefore when I make a statement—and I make it without any fear of contradiction—that all people in this province, both Tamil and Andhra, welcome such a division, you may take it that if the Constituent Assembly decides to devise a method and gives us a separate province, we shall certainly welcome it. There is absolutely no doubt about it. But speaking now from the point of view as to whether a division will strengthen or weaken us, I am of opinion that a division will certainly strengthen us. Financially, both the provinces will be fairly sound, administratively we are equally capable; and culturally also we stand to gain. All-round, therefore, we are absolutely

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on fair grounds. I know the picture of Rayalaseema also in this; they are a very small group of people with very little resources. Because they are in that situation, I do feel that they require special protection both from the Andhra as well as the Tamil provinces, to make them sufficiently strong culturally and administratively. Such an arrangement could always be made, provided they do not take any part in the fearful partisan discussion and spirit which might develop as the result of a formal division. That there is enough room for cultures of different kinds to grow in this province is a fact which we all know. Perhaps on account of certain conditions in the political field, the Rayalaseema did not get as much benefit in the past as the other districts have done. I am almost certain however that it cannot continue to be ignored or neglected in the future. The people of Rayalaseema are not after all babes who will or can be made to keep quiet. They will surely assert themselves; they may become very strong and effective and they may not lose in the game of division of the areas into provinces. After all, we all know that Rayalaseema cannot remain all along a famine-stricken area. As a matter of fact, already so many new projects are coming up and each district in the Rayalaseema will in course of time get the benefit. It is in that hope that I am advocating the division of linguistic provinces.

“As for a Kerala province, I think it is more an academic discussion than a reality. Such a possibility cannot be realized at once or in the immediate future. As for the idea of a Moplahstan it struck me as soon as I saw the amendment tabled by my hon. friend, that he meant he would like to be a part of Pakistan. (An hon. Member: Why not of India?) I do not know if even that is a possibility; but from all points of view, it is not even thinkable that such a proposition could be accepted. Therefore, I won't harp on that subject. I have made this point clear, that whatever may be the ideas expressed, there is no direct opposition to this linguistic division as such. Some fears have been expressed and some difficulties have been mentioned but nothing has been said to show that they will be impossible to be tided over with amity and good will on the part of the people who want it. There has been centuries of contact and you cannot now easily separate the people; on the other hand, the ties will certainly grow, perhaps each man in his added self-respect will become more mutually tolerant to the other. I know the Andhras are more emotional and perhaps more inclined to a sudden outburst than perhaps the cool and calculating Tamilians; but in spite of that, the Andhras should naturally see the fulfilment of their convictions to a stage that would carry them boldly into a position where they can easily handle and run their own provincial administration to the best of their ability and to the best of their culture. I certainly am not afraid of the division. What I am concerned with is to communicate to the Constituent Assembly

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this resolution as representing the views of both the Chambers of the Legislature of this province to the extent they represent public opinion in this province.

' that a redistribution of provinces on a linguistic basis is a necessary requisite in the framing of a constitution for India and that therefore this question be taken up for consideration by the Constituent Assembly at the next sitting of its sessions 2

It is that which I want the House to accept, and I hope the House will accept it and carry the resolution."

MR. PRESIDENT.—" I shall now put the amendments first to the vote of the House.

" The first amendment of Mr. K. T. M. Ahamed Ibrahim Sahib is—

' After the word " linguistic " wherever it occurs, the words " and cultural " shall be inserted and after the word " Kerala " the word " Moplasthan " shall be inserted."

The amendment was put and lost.

MR. PRESIDENT :—" The next amendment is that of Mr. Suryanarayana Rao, consisting of three parts, and it runs as follows :—

' (i) For the words " on a linguistic basis " the following shall be substituted :—

" so as to make them homogenous units based upon cultural, administrative and economic considerations."

(ii) For the words " at the next sitting of its session " the words " at an early date " shall be substituted.

(iii) The portion beginning with " and steps be taken" and ending with " of the abovementioned Provinces " shall be omitted."

The amendment was put and lost.

MR. PRESIDENT :—" I now put the original resolution to the vote of the House. The resolution reads :

' That this Council recommends to Government to convey to the Constituent Assembly that this Council is of opinion that a redistribution of Provinces on a linguistic basis is a necessary requisite in the framing of a constitution for India and that therefore this question be taken up for consideration by the Constituent Assembly at the next sitting of its session and steps be taken for enumerating the Provinces of India on a linguistic basis and particularly Tamilnad, Kerala, Karnataka and Andhra as forming separate provinces under the new Constitution and provision be made for early appointment of a Boundary Commission or Commissions or other machinery suitable for the delimitation of the boundaries of the abovementioned Provinces.' "

The resolution was put and carried.

The House then adjourned to meet at 11 a.m. on Tuesday, the 21st October 1947.

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VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

(1) *Notification issued with G.O. Ms. No. 3265, Home, dated 19th August 1947 making certain amendments to the Madras Motor Vehicles Rules, 1940 published with Home Department Notification No. 357, dated 29th March 1940 as subsequently amended.*

(2) *G.O. No. 780, Finance, dated 9th October 1947 relating to the Schedule of Supplementary Statement of Authorized Expenditure for 1947-8 as authenticated by His Excellency the Governor.*

(3) *The Madras Hackney Carriage (Amendment) Bill, 1947 (L.A. Bill No. 18 of 1947) passed by the Assembly and received therefrom in the Council.*

(4) *The Prisons (Madras Amendment) Bill, 1947 (L.A. Bill No. 19 of 1947) passed by the Assembly and received therefrom in the Council.*

(5) *The Prisons (Madras Amendment No. 11) Bill, 1947 (L.A. Bill No. 20 of 1947) passed by the Assembly and received therefrom in the Council.*

(6) *The Madras Tuberculosis Sanatoria (Regulation of Buildings) Bill, 1947 (L.A. Bill No. 22 of 1947) passed by the Assembly and received therefrom in the Council.*

(7) *The Madras City Improvement Trust (Amendment) Bill, 1947 (L.A. Bill No. 23 of 1947) passed by the Assembly and received therefrom in the Council.*

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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APPENDIX I.

[Vide answer to starred question No. 82 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on the 20th October 1947, page 394 supra.]

(a) (i) Malabar, the delta portion of East Godavari, West Godavari, Kistna and Guntur districts and a portion of Chingleput district.

(ii) The societies were incorporated during the periods shown below :—

Malabar		23th July to 11th October 1946.
East Godavari		5th January to 14th March 1947.
West Godavari		4th January to 14th March 1947.
Kistna		13th January to 15th March 1947.
Guntur		January and February 1947.
Chingleput		4th December 1946.

None of the societies in these districts have been liquidated or closed.

(b) *Malabar*.—Procurement figures by calendar months are not available. In any case, comparison by calendar months does not seem reliable. The harvest in this district depends entirely on natural rainfall and the natural harvest date in any area may vary by as much as a month or so in different seasons. For instance, the Kanni harvest of 1946 in parts of South Malabar was about a month earlier than in 1945. The total procurement figure up to 30th May 1947 for the current season was 112,479 tons of paddy. The corresponding figure for 1945-46 was 108,141 tons.

Quantities of foodgrains in tons.

Other district.	February 1947.	March 1947.	April 1947.	February 1946.	March 1946.	April 1946.
East Godavari ..	6,196	6,714	7,346	(a) 12,068	..	8,533
West Godavari ..	9,745	30,861	8,602	57,892	16,125	11,151
Kistna ..	561	5,159	5,947	43,614	30,662	15,313
Guntur (b) (delta only).	4,359	3,595	..	22,710	5,593	..
Chingleput ..	1,214	2,007	1,151	1,076	732	710

(a) Separate figures are not available.

(b) The Producers-cum-Consumer Societies did procurement along with the millers in February 1947 and exclusively in March 1947.

(c)

	Quantity retained for internal consumption (in tons).		Quantity exported to other deficit districts (in tons).	
	1947	1946	1947	1946
Malabar ..	112,479	108,141	..	..
East Godavari ..	16,597	8,102	3,659	12,499
West Godavari ..	Figures not available	..	48,913	41,219
Kistna ..	8,117	6,862	38,353	46,886
Guntur ..	6,651	10,028	3,876	10,145
Chingleput ..	4,267	2,518	4,105	..

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(d) As the societies do not strike monthly balance sheets, particulars of profits earned during each calendar month are not available. The total profits earned are as indicated below:—

Malabar	Up to 31st March 1947, 78 societies. A total profit of Rs. 16,80,443 up to 31st December 1946, the remaining societies earned a total profit of Rs. 2,86,223.
East Godavari	Net profit Rs. 3,99,124.
West Godavari	Do. Rs. 3, 9397.
Kistna	Do. Rs. 1,14,948-8-2 approximately.
Chingleput	Do. Rs. 2, 730-6-7 do.
Guntur	Do. Rs. 81,885-6-3 approximately up to the end of May 1947.

(e) Yes.

APPENDIX II.

[Vide answer to starred question No. 86 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 20th October 1947, page [398 supra].]

LIST OF IRRIGATION SCHEMES IN THE CEDED DISTRICTS INCLUDED IN THE FIVE-YEAR PROGRAMME UNDER GROW MORE FOOD SCHEME OR OTHERWISE.

Serial number and name of scheme.

(1)

Probable cost
including direct
and indirect
charges.
(2)
Rs.

I

1. List of schemes included in the Grow More Food programme for 1947-48.

KURNOOL DISTRICT.

1 Duvvaleru project, Baupalem channel to Tirupuranthakan channel	300
2 Improvements to Gotiyar channel, Kurnool-Cuddapah canal ..	1,000
3 Improving No. 13 sluice channel of Kurnool-Cuddapah canal ..	400
4 Reopening the old low level channel at 91/42 left of Kurnool-Cuddapah canal	150
5 Reclamation of the lagoon at 56/0 of the Kurnool-Cuddapah canal	6,24,000
6 Restoration of Malla tank, Gottupudia	70,850
7 Peruru tank of Boyadagumpela	5,200
8 Formation of a reservoir across Kollimagula vagu near Paniam	5,33,000
9 Restoration of Venkatarreddigunda of Edavalli (since dropped).	1,17,000
10 Formation of a reservoir across the Tigeleru at Eguvacherlapalli village	2,20,000

BELLARY DISTRICT.

11 Improvements to Roya channel	3,000
12 Improvements to Basavanna channel	3,500
13 Improvements to Kampali channel	2,500
14 Sluice at 5/0 of Dasanur channel	1,000
15 Improvements to Kottur taluk supply channel	2,500
16 Improvements to Narayana Devagiri tank supply channel ..	1,500
17 Hunsli tank supply channel	8,500
18 Restoration of Madirikatta tank	22,000

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Serial number and name of scheme.

 Probable cost
including direct
and indirect
charges.
(2)
RS.

(1)

ANANTAPUR DISTRICT.

19	Improvements to Gooty tank	700
20	Improvements to Yerrattimaraju tank	500
21	Restoration of Ganti narri tank	1,64,000

CUDDAPAH DISTRICT.

22	Chepad channel No. 6 distributary	7,300
23	Spring channel from Pennar in Vadur limits	1,600

2. *List of schemes included in the Grow More Food programme for 1948-49.*

KURNOOL DISTRICT.

1	Roya'akuntla tank supply channel	30,000
2	Restoration of Naireddi tank of Kothakota	9,500
3	Restoration of Petaraju tank	40,000
4	Reclamation of lagoon at 59/0 of Kurnool-Cuddapah canal	2,80,000

ANANTAPUR DISTRICT.

5	Restoration of Kotha tank of Peddavaripalli	1,05,000
6	Dorigallu project (First stage)	1,90,000
7	Restoration of Pilligandla cheruvu of Kampalli village	1,20,000
8	Restoration of Illur tank	30,000
9	Restoration of Marutla tank	85,000
10	Improvements to Rachanpalli tank	13,000
11	Restoration of Peddacheruvu of Ramagiri	80,000
12	Restoration of Somayalapalli tank	65,000
13	Pennar Kumudavati project (subject to orders of Government)	12,00,000

CUDDAPAH DISTRICT.

14	Restoration of Dharbayari Agraharam tank	64,000
15	Restoration of a new tank at Kommavaripalli village	90,000
16	Formation of a new tank across Vanneswara va ka	1,36,000
17	Restoration of Rengampalli tank	60,000
18	Formation of a new tank across Gonderu near Tippireddipalli	2,52,500

3. *List of schemes included in the Grow More Food programme for 1949-50.*

CUDDAPAH DISTRICT.

1	Formation of a tank at Chilamakur	3,80,000
2	Restoration of an anicut across Mekala Buntaleru near Mysoreipalli village	5,00,000

KURNOOL DISTRICT.

3	Formation of a tank across Chinna Kandaluru near Pullacheruvu	5,80,000
4	Restoration of Dokkirayadu tank across Peddavanak	65,000
5	Gazuladdinna project	2,36,000
6	Formation of reservoir across Boyanavanka near Alamkonda	89,000

II

List of Post-War Schemes.

Part I-B Works to be begun.

 Estimated cost.
RS.

1	Upper Pennar Project, Perur (Anantapur)	60,00,000
2	Gandikottah Reservoir Project (Cuddapah and Nellore)	1,45,00,000

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III

*List of schemes included in the Chief Engineer (Irrigation)'s
Ten-Year programme.*

Serial number and description of scheme.

(1)

Probable cost
of the
scheme.
(2)
RS.

ANANTAPUR DISTRICT.

Short-term plan—

1	Improvements to supply channel to Yerraguntala tank ..	1,000
2	Danappa tank, Dagamarri village, improvements ..	1,500
3	Improvements to Gudigamma anicut at the head of Pinakinipatta channel	4,800
4	Improvements to spring channel to Chevilar tank ..	2,000
5	Improvements to Kerikara tank supply channel from Pennar	3,000
6	Goranda tank supply channel which takes off from river Chitravathi	3,900
7	Minor improvements	3,200

Middle-term plan—

8	Yellanur tank supply channel closing breaches and excava- tion of field bothies	5,000
9	Excavating an open channel from Pennar for feeding Nellur and Roddam Pedda cheruvu tanks	10,000

Long-term plan—

10	Dorigallu project (Final stage)	13,30,000
11	Chennarayaswamigudi reservoir scheme across Papagni river in Mundlavaripalli village limits	12,00,000
12	Bairavantippa project	37,50,000
13	Mid Pennar project	20,00,000

CUDDAPAH DISTRICT.

Long-term plan—

14	Lower Sagileru project	16,00,000
15	Itigundalapadu project	1,50,000
16	Pullampet project	60,00,000
17	Restoration of Pedda Daripalli tank	1,75,000

BELLARY DISTRICT.

Short-term plan—

18	Restoring the abandoned sluices of old Bagavadi farm from M. 2/0 to 3/0 of Bagavadi channel	500
19	All spring and supply channels taking off from Hagari up to Moke—excluding Veprella, Kollegal tank and Kanekal supply channel—22 channels—minor improvements ..	22,000
20	Minor improvements to other channels	500

KURNOOL DISTRICT.

Short-term plan—

21	Supply channel to Parrium tank	1,000
22	Other supply channels	700
23	Nichanametila Kalva Owk (temporary extension) ..	1,800

Middle-term plan—

24	Reclamation of the lagoon at 60/0	4,90,000
25	Restoration of Kalla tank of Gottipada	54,500
26	Boyalakuntla tank supply channel (formation with anicut and head sluice)	30,000

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APPENDIX III.

[Vide answer to starred question No. 86 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 20th October 1947, page 399 supra.]

Note on the returns on irrigation schemes applicable to different tracts in the presidency.

Irrigation works are classified under two categories 'Productive' and 'Unproductive'. Works which after the prescribed period after completion are expected to yield a specified return on capital the (present rate being 4 per cent) are treated as productive. Till recently productive works were taken up more freely than the others which were treated as 'Unproductive'. Works belonging to the latter category were generally taken up only when they were found necessary on account of their value as 'Protective' works, i.e., their value in protecting the areas against the contingency of occurrence of famine in future.

In July 1931, the Government laid down the general principles for the classification of areas liable to scarcity so as to provide criteria varying with the circumstances of each tract which are to be applied in considering whether a given work proposed in that area should be treated as a 'Protective' work and financed under the rules applicable to such works. In June 1938, the Government ordered that the following revised rates of anticipated return on the works outlay be adopted as the respective criteria for undertaking 'Protective' irrigation works in the four classes of tracts classified as A, B, C and D :—

Tract.	Criterion return per cent.
A	Not less than 2½ per cent.
B	Do. 3 per cent.
C	Do. 3½ per cent.
D	Do. 4 per cent.

In December 1942, the Government directed that in class A areas, irrigation works should be considered on their own merits and need not be required to satisfy any specific rigid criterion of return by way of interest on the outlay, though due weight should be given to the actual return expected along with other circumstances.

A list of tracts classified as 'A', 'B', 'C' and 'D' according to the above orders is given below :—

Taluk or tract.	Classification.	Taluk or tract.	Classification.
1 Vizagapatam district—		4 Kistna district—	
Palkonda	D	Bezwada taluk	D
Chicalole	D	Portion of the Nandigama taluk to the left of the Muniyeru River.	A
Ichchapur	D	Portion of the Nandigama taluk to the right of the Muniyeru river.	A
Sarvasiddhi	C	5 Guntur district—	
Golugonda	C	Guntur taluk	D
Gudem	C	Sattenapalli taluk	B
2 East Godavari district—		Narasaraopeta taluk	A
Badrachalam taluk	C	Vinukonda taluk	A
Nagpur sub-taluk	C	Palnad taluk	C
Polavaram taluk	C	Coastal portion of the Ongole taluk.	B
Yellavaram taluk	D	Upland portion of the Ongole taluk.	B
Chodavaram taluk	D	6 Nellore district—	
Rajahmundry taluk	D	Nellore taluk	C
Peddapur taluk	D	Atmakur taluk	A
3 West Godavari district—		Udayagiri taluk	A
Upland portions of Ellore taluk ..	D	Kanigiri taluk	B
Upland portions of Tadepallegudem taluk.	D	Kavali taluk	B
Upland portions of Kovur taluk ..	D	Rapur taluk	B
Chintalapudi sub-taluk	D		

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Taluk or tract.		Classifi- cation.	Taluk or tract.		Classifi- cation.
Gudur taluk	C		Wandiwash taluk	D	
Kandukur taluk	C		Cheyvar taluk	D	
7 Cuddapah district—			14 South Arcot district—		
Badvel taluk	A		Cuddalore taluk	C	
Siddhout taluk	A		Vridachalam taluk	C	
Jammalamadugu taluk	A		Kallakurichi taluk	C	
Pulivendla taluk	A		Tirukkoyilur taluk	C	
Rayachoti taluk	A		Villupuram taluk	C	
Rajampet taluk	B		Tindivanam taluk	C	
Kamalapuram sub-taluk	A		Gingee taluk	C	
Prodattur taluk	B		15 Tanjore district—		
Northern half of Cuddapah taluk.	C		Arantangi taluk	D	
Southern half of Cuddapah taluk.	A		Portion of Pattukkottai taluk not affected by the Cauvery-Mettur Project.	D	
8 Anantapur district—			Portion of the Tanjore taluk not affected by the Cauvery-Mettur Project.	D	
Anantapur taluk	A		16 Trichinopoly district—		
Kalyandrug taluk	A		Perambalur taluk	C	
Gooty taluk	A		Udayarpalayam taluk	C	
Tadpatri taluk	A		Musiri taluk	D	
Kadiri taluk	A		Lalgudi taluk	D	
Dharmavaram taluk	A		Kulittalai taluk	D	
Penukonda taluk	A		Trichinopoly taluk	D	
Hindupur taluk	A		Karur taluk	D	
Madakasira taluk	A		17 Madura district—		
9 Bellary district—			Madura taluk	D	
Bellary taluk	A		Melur taluk	D	
Adoni taluk	A		Tirumangalam taluk	D	
Rayadurg taluk	A		Dindigul taluk	D	
Alur taluk	A		Palni taluk	D	
Siruguppa taluk	A		Periyakulam taluk	D	
Hospet taluk	B		Kodaikanal taluk	D	
Hadagalli sub-taluk	B		Nilakkottai taluk	D	
Harpanahalli taluk	B		18 Ramnad district—		
Kudligi taluk	B		Sattur taluk	B	
10 Kurnool district—			Srivilliputtur taluk	B	
Pattikonda taluk	A		19 Tinnevely district—		
Dhone taluk	A		Kovilpatti taluk	B	
Kurnool taluk	A		Sankaranayinarkoil taluk	C	
Cumbum taluk	A		Nanguneri taluk	C	
Markapur taluk	A		Tenkasi taluk	D	
Koilkuntla taluk	B		20 Coimbatore district—		
Nandikotkur taluk	C		Avanashi taluk	C	
Sirvel taluk	C		Bhavani sub-taluk	C	
Nandyal taluk	D		Coimbatore taluk	C	
11 Chingleput district—			Dharapuram taluk	A	
Conjeeveram taluk	D		Erode taluk	C	
Chingleput taluk	D		Kollegal taluk	B	
Madurantakam taluk	D		Palladam taluk	B	
Sriperumbudur taluk	D		Udamalpet taluk	B	
Ponneri taluk	D		Pollachi taluk	D	
Saidapet taluk	D		Gobichettipalayam taluk	B	
Tiruvallur taluk	D		21 Salem district—		
12 Chittoor district—			Hosur taluk	B	
Palmaner taluk	A		Harur taluk	B	
Chittoor taluk	A		Dharmapuri taluk	C	
Vayalpad taluk	B		Omair taluk	C	
Madanapalle taluk	C		Tiruchengodu taluk	B	
Chandragiri taluk	C		Kri-hnagiri taluk	D	
13 North Arcot district—			Salem taluk	D	
Gudiyattam taluk	C		Attur taluk	D	
Vellore taluk	C		Namakkal taluk	D	
Tirupattur taluk	B		Rasipur taluk	C	
Chengam taluk	C				
Tiruvannamalai taluk	D				
Wallajah taluk	D				
Arkonam taluk	D				
Polur taluk	D				

In this connection, it may be mentioned that the Government are considering the question of re-orientation of the existing policy of irrigation with a view to relax the financial standards now being adopted for sanctioning the schemes.

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APPENDIX IV.

[Vide answer to starred question No.-94 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on the 20th October 1947, page 404 supra.]

Admission into the Agricultural Colleges.

The selection of candidates for admission to the Agricultural Colleges at Coimbatore and Bapatla is done on the following basis :—

(1) Seats are allotted to each district in proportion to its population ;

(2) An overall communal proportion as laid down in the Service Rules is observed as far as possible ;

(3) If the requisite number of candidates is not forthcoming from any district, the balance of the number is allotted to the linguistic area to which the district belongs at the discretion of the selecting authority ;

(4) Marks are not the sole criterion ; factors other than marks taken into account are—

- (a) physique necessary for field work ;
- (b) participation in sports ;
- (c) whether the candidate owns lands ; and
- (d) performance at the interview.

NOTE.—(i) Generally, candidates who score very high marks are mathematics students ; but, for the agricultural course ' Natural Science ' students are given some preference.

(ii) Other things being equal, preference is given to sons of practical farmers.

(iii) In the course of the selection this year, it was found that in one district, North Arcot, for the ten seats allotted, six had to be given to Brahmans due to the non-availability of applications from the other communities. Of these six, only two were Intermediate First classes while the remaining four were Second classes with less marks than some of the Brahman candidates rejected from other districts. Further, because more Brahmans were taken from this district and as the overall communal proportion had to be adhered to, other districts, some of which had a large number of applications, had to suffer by either having fewer or no Brahman seats. So, in these districts, Brahman candidates with better marks had to be rejected. Factors similar to this will explain the disparity in marks between the selected and the rejected candidates. Even in the case of Non-Brahman candidates, some with good marks had to be rejected because a fair representation had to be given for Backward communities.

The details required by the hon. Member are given in the statements below :—

STATEMENT I.

[See clause (a) of the question.]

Number of applications received for admission into Agricultural Colleges in 1947-48.

	Agricultural College, Bapatla.	Agricultural College, Coimbatore.
Brahmans	313	130
Non-Brahmans	243	123
Muslims	14	9
Christians	14	15
Harijans	2	..
Anglo-Indians	..	..

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STATEMENT II.

[See clause (b) of the question.]

Number from each community admitted into the Colleges.

	Agricultural College, Bapatla.	Agricultural College, Coimbatore.
Brahmans	21	28
Non-Brahmans	50	57
Muslims	10	4
Christians	9	6
Harijan	1	..
Seats for students from Orissa	91	Less can- 95
	5	didates
Total	96	allotted
		to
		Bapatla
		College 3
Seats for students from Cochin and Coorg		92
		4
Total		96

STATEMENT III.

[See clause (c) of the question.]

- (i) Lists of first ten and last ten candidates in the different communities admitted to the Agricultural College, Bapatla, with details of marks.

(NOTE.—The marks given in the list are the total for the group taken in the Intermediate, the maximum being 450 unless otherwise specified. Only these marks have been taken into consideration as in the previous years.)

Serial number and name of the candidate.	Qualification.	Marks.
I. BRAHMANS.		
<i>First ten candidates.</i>		
1 L. N. Ramamurthi	Intermediate, I Class.	348
2 M. Radhakrishnamurthi	Do.	334
3 D. Radhakrishnamurthi	Do.	325
4 G. Sreeramamurthi	Do.	315
5 C. Venkataramiah	Do.	309
6 P. S. Thejomurthi	Do.	290
7 S. V. Sitaramasastry	Do.	282
8 P. Krishnamurthi	Do.	279
9 M. D. Krishnaswami	Intermediate, I Class. and B.Sc. (Ch.).	278
10 A. V. Ramachandra Rao	Intermediate, I Class.	265
<i>Last ten candidates.</i>		
1 C. Prahladarao	Intermediate, II Class.	264
2 K. Krishnamurthi	Intermediate, I Class.	251
3 M. S. Ramachandramurthi	Intermediate, II Class.	238
4 T. E. Tiruvengkatachari	Do.	230
5 S. Padmanabhan	Do.	230
6 C. Nagarajan	Do.	219
7 S. Krishnamurthi	Do.	211
8 N. Ramanadhan	Do.	208
9 K. Sreenivasa Rao	Do.	188
10 C. Hanumantha Rao	Do.	185

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Serial number and name of candidates. Qualification. Marks.

II. NON-BRAHMANS.

First ten candidates.

1 K. Subba Rao	Intermediate, I Class.	351
2 K. Venkateswara Rao	Do.	299
3 P. V. Reddy Nayudu	Do.	299
4 K. V. Kumar Dutt	Do.	297
5 M. C. Venkatachalam	Do.	297
6 M. Nagappa	Do.	291
7 S. Krishnamurthi	Intermediate, II Class.	284
8 Narayana Rao, Sindhia	Do.	276
9 B. Ramakrishnamurthi	Intermediate, I Class.	266
10 A. Krupa Rao	Do.	266

Last ten candidates.

1 S. Venugopalaswami	Intermediate, II Class.	189
2 P. Padmanabhan	Do.	188
3 I. Peethambaram	Do.	187
4 S. Ramachandra Murthi	Do.	186
5 G. Satyanarayanaraju	Do.	184
6 K. Sitaramiah	Do.	184
7 N. Yuvaraj	Do.	181
8 A. Venkateswara Rao	Do.	163
9 R. V. S. S. Narayanaraju	Do.	158
10 K. Sivaramakrishnan	Do.	136

III. MUSLIMS.

List of all candidates admitted.

1 Muhammad Salimullakhan	Intermediate, II Class.	265
2 Muhammad Basha, D.	Do.	221
3 Syed Mahaboob Ali	Do.	203
4 M. D. Majaduddin	Do.	191
5 Shaik Abdul Khadar	Do.	189
6 Abdul Rabim Baig	Do.	187
7 Shaik Abdul Rasheed	Do.	183
8 Muhammad Abdul Azees	Do.	177
9 Khadir Jeelani	Do.	170
10 Muhammad Elias Miah	Joined the college last year but had to leave due to illness. Re-admitted this year.	

IV. CHRISTIANS.

List of all candidates admitted.

1 P. M. Mathew	Intermediate, II Class.	241
2 J. F. George	Do.	224
3 T. M. Thurly	Do.	209
4 Miss K. Navaneetham	Do.	208
5 V. Papireddi	Do.	198
6 N. Isaiah	Do.	196
7 N. K. S. Asirvadam	Do.	186
8 M. D. Asirvadaraju	Do.	184
9 K. P. R. Augustin	Do.	65

V. HARIJANS.

List of all candidates admitted.

Jeevadarakusuma	Intermediate, II Class.	207 †
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* All the ten fit candidates were selected. Hence, the question of 'last ten' does not arise.

† All the nine fit candidates were selected. Hence, the question of 'last ten' does not arise.

‡ Only one of the two candidates who applied appeared for the interview and he was selected.

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(ii) List of first ten and last ten in the different communities admitted to the Agricultural College, Coimbatore.

Serial number and name of candidate.

Qualification.

Marks.

I. BRAHMAN'S.

First ten candidates.

1	R. S. Ramachandran	B.Sc.	..
2	C. R. Gopalakrishnan	Do.	..
3	N. Subrahmanya Nambudripad	Do.	..
4	A. Srinivasan	Do.	..
5	J. Dandapani	Do.	..
6	S. Kalyanasundaram	B.A.	..
7	R. Krishnamurthi	Intermediate, I Class.	233
8	R. Ra'agopalan	Do.	237
9	K. Santhanam	Do.	339
10	N. Muthuraman	Do.	263

Last ten candidates.

1	B. V. Rajagoplan	Intermediate, II Class.	224
2	V. Ba'asubrahmanyam	Do.	229
3	V. R. Govinden	Do.	190
4	M. Rajagopalan	Do.	174/
			300
5	M. Ramachandran	Do.	148/
			300
6	K. Swaminathan	Do.	216
7	S. Balasubrahmanyam	Do.	207
8	S. Raghavachari	Do.	305
9	S. Gopalan	Do.	182
10	P. Rangaswami	Do.	177/
			300

II. NON-BRAHMAN'S.

First ten candidates.

1	K. Balasubrahmanyam	B. Sc.	..
2	A. S. Perumal (BC)	Do.	..
3	P. Kesavan	Do.	..
4	A. K. Chinna Raj	B. A.	..
5	S. Sivasankaran	Do.	..
6	H. Boominathan	Do.	..
7	S. S. Rajamanickam (BC)	Intermediate, I Class.	255
8	G. Guruswami	Do.	316
9	A. Venkatraman (BC)	Do.	218
10	N. Pathipoornam	Do.	312

Last ten candidates.

1	T. Kalyani Kutti, Miss	Intermediate, II Class.	155
2	N. K. Ananthanarayanan (BC)	Do.	202
3	T. Narayanakutti Nair	Do.	222
4	P. Kunhan Raja	Do.	214
5	K. Raghava Panikkar	Do.	243
6	T. V. Singaravelu	Do.	183
7	R. Venkatraman	Do.	278
8	S. V. Sreenivasan	Do.	359
9	R. Dakshnamoorthi	Do.	203
10	P. Ananthavalli, Miss	Do.	193

III. MUSLIMS.

List of all candidates selected.

1	Abdul Khadir	Intermediate, I Class.	270
2	Mustaffa Khan	Intermediate, II Class.	195
3	Syed Salimuiddin Razvi	Do.	228
4	K. P. Moosa Bharamy	Do.	205

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Serial number and name of candidate.	Qualification.	Marks.
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IV. CHRISTIANS.

List of all candidates selected.

1 I. P. Paul Raj	B.A.	..
2 N. S. P. Rebello	Intermediate, II Class	301
3 D. S. Jayaseelan	Do.	176
4 Sargunam Davis Peter	Do.	Demobilized Military per- sonnel.
5 A. George	Do.	198
6 P. P. Williams	Do.	180

V. HARIJANS.

List of all candidates selected.—Nil.

STATEMENT IV.

[See clause (d) of the question.]

(i) Marks of the topmost ten Brahman candidates who were not selected for admission in the Agricultural College, Bapatla.

[NOTE.—Marks of the first-class Intermediates only are given. As the candidates who have passed the B.A. or B.Sc. examinations have not furnished marks except in three cases it is not possible to arrange their names in the order of merit. Further none of the graduate candidates passed the Intermediate in the first class except one, and this candidate has been selected.]

Name of candidate.	Qualification.	Marks.	Reasons for rejection.
1 M. Govindaraghavan ..	Inter., I Class. .	368	Poor physique.
2 K. Bhaskara Rao ..	Do. ..	352	Did not appear for the interview.
3 Y. Sethumadhava Rao.	Do. ..	337	Only one seat for a Brahman in the district. The candidate with the extensive lands and good physique preferred.
4 K. Parthasarathi ..	Do. ..	316	No lands. The candidate selected from the same district has more lands and good physique. Only one seat for Brahman in the district.
5 W. Sitaraman ..	Do. ..	311	Did not appear for interview.
6 N. Bhanumurthi ..	Do. ..	311	Only one Brahman seat for the district. The candidate preferred has more lands.
7 D. L. Narayana ..	Do. ..	295	One with good marks, good physique and good at games selected from the same district.
8 N. Gopalakrishna Rao.	Do. ..	292	Best first-class Brahman candidates selected from the district.
9 K. Nagarajan ..	Do. ..	286	
10 K. Suryanarayana ..	Do. ..	285	

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(ii) List of top ten Brahman candidates who were not selected for admission in the Agricultural College, Coimbatore.

Name of candidate.	Qualification.	Marks.	Reasons for rejection.
1 P. R. Vaidyanathan.	Inter. I Class..	293	Poor physique.
2 A. D. vanaickam ..	Do. ..	292	
3 A. Ramachandran..	Do. ..	304	Poor physique. Do.
4 Raghunatha Pai ..	Do. ..	299	
5 B. R. Baliga ..	Do. ..	264	
6 S. V. Narayana- swami.	Do. ..	276	
7 N. S. Ramamurthi.	Do. ..	321	Do.
8 K. Arun chal m ..	Do. ..	164/100	
9 T. S. Rama Rao ..	Do. ..	303	
10 V. M. Subrah- manyam.	Do. ..	342	

APPENDIX V.

[Vide item IV (2) at page 422 supra.]

A Bill further to amend the Madras Hackney Carriage Act, 1911.

L.A. BILL No. 18 OF 1947.

(As passed by the Assembly)

WHEREAS it is expedient further to amend the Madras Hackney Carriage Act, 1911, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Hackney Carriage Short title.
(Amendment) Act, 1947.

2. In the Madras Hackney Carriage Act, 1911, in section Amendment of section
33, sub-section (2) (which relates to the fee to be paid for 33, Madras
copies of the list of authorized fares), for the words "a fee Act V of
of two annas for each copy," the words "a fee for each copy 1911.
of four annas or of such other sum as the Commissioner,
subject to the control of the Provincial Government, may
prescribe" shall be substituted.

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APPENDIX VI.

[Vide item IV (3) at page 423 supra.]

A Bill further to amend the Prisons Act, 1894, in its application to the Province of Madras.

L.A. BILL No. 19 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Prisons Act 1894, in its application to the Province of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prisons (Madras Amendment) Act, 1947.

2. In the Prisons Act, 1894—

Amendment
of Central
Act IX of
1894.

(i) in section 46, proviso, the following words shall be added at the end, namely, “or render any prisoner on hunger strike liable to whipping”;

Central Act
IX of 1894.

(ii) in section 52, for the words and figures “sentence him to any of the punishments enumerated in section 46,” the words and figures “sentence him to any of the punishments to which he is liable under section 46” shall be substituted.

APPENDIX VII.

[Vide item IV (4) at page 423 supra.]

A Bill further to amend the Prisons Act, 1894, in its application to the Province of Madras.

L.A. BILL No. 20 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Prisons Act, 1894, in its application to the Province of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prisons (Madras Amendment No. II) Act, 1947.

Amendment
of section 33,
Central Act
IX of 1894.

2. In section 33 of the Prisons Act, 1894, for sub-section (2) the following sub-section shall be substituted, namely :—

Central Act
IX of 1894.

“(2) When a civil prisoner has been committed to prison by a Court in execution of any decree or order in favour of a private person, such person shall immediately deposit or cause to be deposited in Court, to meet the cost of the prisoner's clothing and bedding, such amount as may be fixed by the Court in accordance with the rules, if any, made by the Provincial Government in that behalf; and in default of such deposit, the prisoner may be released.”

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APPENDIX VIII.

[Vide item IV (5) at page 424 supra.]

A Bill to provide for the control of the construction of buildings in the neighbourhood of tuberculosis sanatoria in the Province of Madras, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood.

L.A. BILL No. 22 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient to provide for the control of the construction of buildings in the neighbourhood of tuberculosis sanatoria in the Province of Madras, and for the exclusion, modification or restriction of enactments relating to public health from or in such neighbourhood; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Tuberculosis Sanatoria (Regulation of Buildings) Act, 1947.

Short title,
extent,
application
and com-
mencement.

(2) It extends to the whole of the Province of Madras.

(3) (a) It shall come into force at once in respect of the tuberculosis sanatoria at Madanapalle, Tambaram and Perundurai; and in each case, this Act shall apply to the area specified in the notification issued under the Act by which the sanatorium was governed immediately before the commencement of this Act.

(b) The Provincial Government may, by notification, apply this Act to any other tuberculosis sanatorium with effect from such date and in respect of such area as may be specified in the notification.

(c) The Provincial Government may, by notification, from time to time, alter any area referred to in clause (a) or specified under clause (b), in such manner as they think fit.

(d) No place which is not situated within two miles from any portion of the boundary of a sanatorium shall be included in any notification issued in respect thereof under clause (b) or clause (c).

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “ building ” includes—

(a) a house, outhouse, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether wholly or partially constructed of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without any foundation;

(c) a tent, van and any other structure used for human habitation;

Definitions.

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(2) "notification" means a notification in the *Fort St. George Gazette* ;

(3) a person shall be deemed "to re-erect a building" if he—

(a) makes any material alteration to, or enlargement of, a building, or

(b) converts into a dwelling place any building not originally constructed for that purpose, or

(c) converts into two or more dwelling places a building originally constructed as a single dwelling place, or

(d) converts two or more dwelling places into a larger number of such places, or

(e) converts into a stable, cattle-shed or cow-house any building originally constructed as a dwelling place, or

(f) makes any alteration which is likely to effect prejudicially the stability or safety of a building, or the condition of a building in respect of its drainage, sanitation or hygiene, or

(g) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein ;

(4) "sanatorium" means any tuberculosis sanatorium to which this Act applies ;

(5) "sanatorium area" means, in the case of any sanatorium, the area to which this Act applies in respect of the sanatorium by virtue of section 1, sub-section (3) ;

(6) "Sanatorium Local Authority" means, in the case of any sanatorium or sanatorium area, the Sanatorium Local Authority constituted for the sanatorium or having jurisdiction under this Act over the sanatorium area, as the case may be.

Constitution
of Sana-
torium
Local
Authority.

3. (1) For every sanatorium, the Provincial Government shall, by notification, constitute a Sanatorium Local Authority for the purpose of controlling the construction of buildings in the sanatorium area.

(2) The notification aforesaid shall specify—

(i) the date from which it shall take effect ;

(ii) the name of the Sanatorium Local Authority ;

(iii) the persons who shall be its members ; and

(iv) the term of office of its members other than the ex-officio members, if any.

(3) The Provincial Government shall appoint one of the members of the Sanatorium Local Authority to be its Chairman and another member to be its Secretary.

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Madras Act
XIV of 1920,
Madras Act
III of 1939.

4. (1) The Provincial Government may, by notification, direct that the provisions of the Madras Local Boards Act, 1920, the Madras Public Health Act, 1939, or any other enactment for the time being in force in the Province of Madras and relating to public health, shall not apply to the sanatorium area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in the notification.

Application
of Madras
Local
Boards
Act, 1920,
Madras
Public
Health
Act, 1939,
and certain
other Acts.

(2) In particular, the notification may authorize the Sanatorium Local Authority or its Chairman or Secretary to perform any duty or exercise any power assigned to a panchayat or its president or to any other authority or officer under the provisions so applied, subject to such control as may be specified in the notification.

5. No person shall, except with the previous sanction of the Sanatorium Local Authority, erect or re-erect a building on any land in the sanatorium area, not being land situated within the boundary of the sanatorium.

Prohibition
of erection
or re-
erection of
buildings
without
sanction of
Sanatorium
Local
Authority.

6. (1) Application for such sanction shall be made in writing, and shall—

Application
for such
sanction.

(a) specify the purpose for which it is intended to use the building;

(b) furnish such information and be accompanied by such plans as may be required by rules made under this Act.

(2) The applicant shall also furnish to the Sanatorium Local Authority any further information or plans which it may require, within such time as may be fixed by it.

7. (1) The Sanatorium Local Authority may refuse to sanction the erection or re-erection of a building, or may sanction such erection or re-erection either unconditionally or subject to such conditions as it thinks fit to impose in respect of all or any of the following matters, namely:—

Refusal
or grant
of sanction.

(a) the free passage or way to be left in front of the building;

(b) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;

(d) the provision and position of drains, latrines, urinals, and cess-pools or other receptacles for rubbish or filth;

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(e) the level and width of the foundation, the level of the lowest floor, and stability of the structure ;

(f) the line of frontage with neighbouring buildings if the building abuts on a street ;

(g) the means of egress from the building in case of fire ;

(h) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fire places and chimneys ;

(i) the height and slope of the roof above the uppermost floor on which human beings are to live or cooking is to be done ;

(j) any other matter affecting the ventilation and sanitation of the buildings.

(2) Any conditions imposed under sub-section (1) shall be in writing and the person erecting or re-erecting the building shall comply therewith in every particular.

Lapse of
sanction.

8. Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and if the sanctioned erection or re-erection is not commenced within that period, it shall not be commenced thereafter, unless the Sanatorium Local Authority on application made therefor has extended the period.

Punishment
for illegal
erection or
re-erection.

9. Whoever begins, continues or completes the erection or re-erection of a building—

(a) before such erection or re-erection has been sanctioned by the Sanatorium Local Authority, or

(b) without complying with any condition imposed under section 7, or

(c) when sanction has been refused by the Sanatorium Local Authority, or after the sanction has ceased to be available by virtue of the provision contained in section 8, shall be punished with fine which may extend to five hundred rupees.

Power
to stop
erection
or re-
erection
or to order
demolition,
etc.

10. (1) The Sanatorium Local Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the sanatorium area—

(a) to stop the erection or re-erection of any building, or

(b) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof, if, in the opinion of such authority, the erection or re-erection of such building or part constituted, or will constitute, an offence under section 9.

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(2) If any direction given under clause (b) of sub-section (1) is not complied with, within the time specified therefor in the notice, the Sanatorium Local Authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter in such manner as may be authorized by the rules.

11. (1) Any person aggrieved by any order passed under this Act by the Sanatorium Local Authority may appeal to the District Collector who shall pass such orders thereon as he thinks fit. Appeals and revision.

(2) The Provincial Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed under this Act by the Sanatorium Local Authority or the District Collector for the purpose of satisfying themselves as to the legality or propriety of such order, and may pass such order in reference thereto as they think fit.

12. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of— Bar of compensation.

(a) the refusal of the Sanatorium Local Authority to sanction the erection or re-erection of any building, or

(b) any condition imposed by such authority in regard to such erection or re-erection under section 7, or of any order passed by it under section 10, or

(c) any order passed by the District Collector or the Provincial Government under section 11.

13. (1) The Provincial Government may, by notification make rules to carry out all or any of the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the rules of business of the Sanatorium Local Authority;

(b) the manner in which applications for sanction to erect or re-erect buildings shall be made to the Sanatorium Local Authority and the information and plans to be furnished either along with such applications or subsequently;

(c) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the circumstances in which a mosque, temple, church or other sacred building may be erected or re-erected;

(f) the manner in which the cost referred to in section 10, sub-section (2), may be recovered;

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(g) the form in which and the time within which appeals under section 11 may be preferred ;

(h) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.

Repeal of Madras Acts XIV of 1943, XXIV of 1943 and XVII of 1944 with a saving.

14. The Madanapalle Tuberculosis Sanatorium (Regulation of Buildings) Act, 1943, the Tambaram Tuberculosis Sanatorium (Regulation of Buildings) Act, 1943, and the Perundurai Tuberculosis Sanatorium (Regulation of Buildings) Act, 1944, are hereby repealed :

Madras Act XIV of 1943, Madras Act XXIV of 1943, Madras Act XVII of 1944.

Provided that until a notification under section 3 of this Act otherwise provides, the constitution of the Sanatorium Local Authority, the term of office of its members, and the persons who shall act as its Chairman and its Secretary, shall, in the case of each of the sanatoria at Madanapalle, Tambaram and Perundurai, be as laid down in section 3 of the relevant Act.

APPENDIX IX.

[Vide item IV (6) at page 425 supra.]

A Bill to amend the Madras City Improvement Trust Act, 1945.

L.A. BILL No. 23 OF 1947.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras City Improvement Trust Act, 1945, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Madras Act XVI of 1945.

Short title.

1. This Act may be called the Madras City Improvement Trust (Amendment) Act, 1947.

Amendment of section 91, Madras Act XVI of 1945.

2. (1) In section 91, sub-section (1), of the Madras City Improvement Trust Act, 1945, the second paragraph beginning with the words "If the provisions of this Act" and ending with the words "proportionate part of two and a half lakhs of rupees" shall be omitted ; and in lieu thereof, the following provisos shall be inserted, namely :—

Madras Act XVI of 1945.

"Provided that no contribution shall be payable until the first Chairman assumes office :

Provided further that in respect of the portion of the financial year beginning with the date on which the first Chairman assumes office and ending on the 31st day of March immediately following, the Government and the Corporation shall each contribute to the Board a sum which shall not be less than the proportionate part of two and a half lakhs of rupees."

(2) The amendments made by sub-section (1) shall be deemed to have been made in the Act aforesaid, immediately before the passing thereof.